

Preliminary Amended Charter rev 4.1 23Sept2025 Red letters show new language , Strike through is for showing language being replaced . This document reflects the work being accomplished to date and does not represent the final document .

CHARTER
OF
THE CITY OF

PREAMBLE

We, the people of City of Libby, County of Lincoln, State of Montana, **to preserve our heritage, to maintain our quality of life and to provide for the future of Libby,** in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

ARTICLE I
POWERS OF THE CITY

***State law references: A local government with self-government powers is subject to state laws establishing General Provisions.**

Nature of Self-Governing Local Governments and Local Government Prohibitions

MCA § 7-1-114.Mandatory provisions.

MCA § 7-1-111. Powers Denied

Section 1.01 Powers of the City

The City of Libby shall have all the powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretations of Powers

The self-government powers and authority of the City of Libby shall be liberally construed. Every reasonable doubt as to the existence of a City power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Electrical Utilities

The City of Libby shall have the powers necessary to develop, own and operate electrical generating and delivery services and facilities.

Section 1.04 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with prior approval of the electors voting on the question in a general or special municipal election.

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

Section 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.

Section 1.06 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.

ARTICLE II

~~CITY COUNCIL~~ LEGISLATIVE BRANCH

*State law references: MCA § 7-5-4101. General powers of municipal council. et seq.

Section 2.01 ~~Legislative Branch~~ City Council

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

Section 2.02 Composition

The City of Libby shall have a city council of six (6) members, Three (3) of whom shall be elected every two (2) years.

Section 2.03 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the entire council.

Section 2.04 Terms of Office

Members of the City Council shall be elected to four (4) years, overlapping terms of office.

Section 2.05 Election ~~of city council~~

~~Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected at large.~~

The election of City Council Members shall be conducted on a partisan basis. There shall be three (3) wards apportioned by population, each of which shall be represented by two (2) Council Members. Three (3) council members shall be elected every four (4) years. Candidates for City Council must reside in the ward they seek to represent at the time of their election or appointment and during their entire term of office.

*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 2.06 Chairman of the Council

The City Council shall elect at its first meeting following each general election from the council members a chairman. ~~The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance of two (2) years.~~ The chairman of the council shall preside ~~at council meetings.~~ ~~when the mayor is absent.~~ The Chairman shall act as Mayor during the absence or disability of the mayor.

SECTION 2.7 COUNCIL APPOINTMENTS

The chairman of the Council shall nominate council members to committees of the Council with the advice and consent of the Council.

Section 2.07 Qualifications for Office

Every resident of the City of Libby for the presiding two (2) years , who is 18 years of age or older, a citizen of Montana for 3 years, and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of City Council. A council member must reside in the ward they are elected to represent for the entire duration of their term of their office.

Section 2.08 Council Procedures

The council shall, by resolution, adopt its own rules of procedure. A quorum of the council shall consist of four (4) council members. No resolution, ordinance, appointment or veto override may be adopted without the affirmative vote of at least four (4) council members

Section 2.09 Vacancy of office council member

A council member may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law.

*state law reference MCA § 7-4-411 et seq., MCA § 2-16-501. et seq.

Section 2.10 Compensation of council members

The compensation of council members shall be set annually by ordinance.

Section 2.12 Reapportionment Of Wards

It shall be the responsibility of the council after each decennial census to equalize ward boundaries as to approximate equal population, as provided by state law.

Section 2.13 Duties Of Officers Not Otherwise Provided For*

Duties of officers not otherwise provided for. The city council has power to prescribe the duties of all officers of the city or town, subject to the limitations mentioned in state law.

*State law reference MCA § 7-4-4110. Et seq

ARTICLE III Executive

*State law references: MCA § 7-4-4114 (1). Municipal executive officers. MCA § 7-4-4114 (2).
The Mayor

Section 3.01 The Mayor

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

Section 3.02 Term of Office

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

Section 3.03 Election of Mayor

The mayor, **who must reside within the city limits for the entire duration of their term of office**, shall be nominated and elected at large on a ~~no-partisan~~ **partisan** basis.

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required ~~of him~~ by law, charter, ordinance or resolution;
3. administer affairs of the local government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. ~~chair~~ **attend** council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards, except the mayor may appoint without consent of the council temporary committees established by the mayor.

Section 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist ~~him~~ **the mayor** in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of a majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards to the degree authorized by resolution of the council.

Section 3.06 Legislative Authority

~~The mayor shall decide all tie votes of the council, but shall have no other vote.~~ The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the **entire** council, **four (4) council members affirmative votes needed to override a veto.**

Section 3.07 Compensation

The compensation of the mayor shall be set by the city council, but shall be no less than that of the city of Libby department head.

Section 3.08 Qualifications for Office

Every resident of the City of Libby for the preceding two (2) years , who is 21 years of age or older, a citizen of Montana for 3 years, and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the Mayor.

Section 3.09 Absence of Mayor

The mayor must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 3.10 Grounds for Removal

The mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by recall of the mayor by the electors of the City of Libby , as prescribed by law.

Section 3.11 City Attorney

There shall be a legal officer of the city, appointed by the mayor, with the approval of the council, who shall serve as chief legal advisor to the council, the mayor, and all city departments, offices, and agencies. The chief legal advisor shall represent the city in all legal proceedings unless otherwise determined by council, and shall perform any other duties prescribed by ordinance. The chief legal officer, who may be called the city attorney, shall have the status of a department head, except that he or she may not be removed or suspended by the mayor without the consent of the council

ARTICLE IV

JUDICIAL

Section 4.01 City Court

There shall be a city court and a city judge as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

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

Section 6.02 Effective Date

This Amended Charter shall become effective on 09January2027.

Section 6.03 Vacancy in Office, ~~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 their 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,

C. ~~Filling a vacancy of a council member.~~ An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in ~~any~~ an elective office ~~of a city council member~~, this position shall be considered open and subject to nomination and election at ~~the next general municipal election~~ ~~a special election, a special election shall be held within ninety (90) days of the vacancy~~ in the same manner as the election of any person holding the same

office, except the term shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a **qualified** person within 30 days of the vacancy to hold the office until the successor is elected and qualified. **A person appointed to fill a vacant council position must abide by section 2.07.**

D. Filling of Vacancy in the Office of Mayor. If a vacancy in the office of Mayor occurs , the Chairman of the council shall become interim mayor until a mayor is elected by a special municipal election. The Chairman of the council vacates his or her Council position until a new mayor is elected and assumes office.

E. A special municipal election shall be held within ninety (90) days of the vacancy of the Mayor in the same manner as the election of any person holding the office, except the term shall be limited to the unexpired term of the person who originally created the vacancy.

Section 6.03. Recall *

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

***State law references: Montana Recall Act, MCA § 2-16-603. et seq.**

Section 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.

Section 6.05 Capital Improvement Fund

1. The council shall establish and maintain a Capital Improvement Fund (CIF) for the purpose of replacement and acquisition of general fund property, plant or equipment.

2. An amount from the all PropertyTax Mill levy, not to exceed the amount provided by law, and such other non tax resources as the council may from time to time cause to be deposited in the (CIF), may be deposited in this fund.

3. The money held in the (CIP) fund must be invested according to law and must be credited to the (CIP) plus interest earned

Section 6.06 Enforcement For Local Government

1. The Council shall establish a three member panel to review complaints alleging violations of MCA 2-2-101 §§ 2-2-145 Standards of Conduct /Code of Ethics.

***State law references: Enforcement For Local Government MCA § 2-2-144 (5)(a)(b)**

2. The Panel shall be called the Transparency Accountability Committee (TAC)

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 City Employee

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

Section 7.02 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Libby shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise and repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than 01January2028.