

Title 7. Local Government

Chapter 3. Alternative Forms of Local Government

Montana Code Annotated 2013

7.3.501. COMMISSION - PRESIDING OFFICER FORM.

The commission-presiding officer form consists of an elected commission, which may also be referred to as the council, and a commission presiding officer, who may also be referred to as mayor or as president, elected by the members of the commission from their own number and serving at the pleasure of the commission.

7-3-502. NATURE OF GOVERNMENT.

The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; **OR** (2) self-government powers.

7-3-503. ROLE AND DUTIES OF PRESIDING OFFICER.

The commission presiding officer:

- (1) must be recognized as the head of the local government unit, must have the power to vote as other members of the commission, and must be the chief executive officer of the local government;
- (2) shall enforce laws, ordinances, and resolutions;
- (3) shall perform duties required by law, ordinance, or resolution;
- (4) shall administer the affairs of the local government;
- (5) shall direct, supervise, and administer all departments, agencies, and offices of the local government except as otherwise provided by law or ordinance;
- (6) shall carry out policies established by the commission;
- (7) shall prepare the commission agenda;
- (8) shall recommend measures to the commission;
- (9) shall report to the commission on the affairs and financial condition of the local government;
- (10) shall execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (11) shall report to the commission as the commission may require;
- (12) shall attend commission meetings and may take part in discussions;
- (13) shall execute the budget adopted by the commission;
- (14) shall appoint, with the consent of the commission, all members of boards and committees. However, the presiding officer may appoint without the consent of the commission temporary advisory committees.

- (15) shall appoint, with the consent of a majority of the commission, all department heads, and the presiding officer may remove department heads and may appoint and remove all other employees;
 - (16) shall prepare the budget and present it to the commission for adoption;
- AND**
- (17) shall exercise control and supervision over the administration of departments and boards.

... 7-3-504 THROUGH 7-3-510 RESERVED.

... 7-3-511. **STRUCTURAL SUB - OPTIONS.**

The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-512 through 7-3-517.

... 7-3-512. **SELECTION OF COMMISSION MEMBERS.**

The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside;

OR

- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

... 7-3-513. **TYPE OF ELECTION.**

Local government elections shall be conducted on a:

- (1) partisan basis; **OR** (2) nonpartisan basis.

... 7-3-514. **ADMINISTRATIVE ASSISTANTS.**

The executive:

- (1) shall **OR** (2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.

... 7-3-515. **TERMS OF COMMISSION MEMBERS.**

Commission members shall be elected for:

- (1) concurrent terms of office; **OR** (2) overlapping terms of office.

7-3-516.

SIZE OF COMMISSION AND COMMUNITY COUNCILS.

The size of the commission, which shall be a number not less than five, shall be established when the form is adopted by the voters,

AND

- (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils;

OR

- (2) community councils to advise commissioners may be authorized by ordinance.

7-3-517.

TERMS OF ELECTED OFFICIALS.

The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.