

SANDERS COUNTY CHARTER Final Report

PREAMBLE

We, The people of Sanders County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, intending to create responsible and efficient government through local self determination, do adopt this Charter.

ARTICLE I GENERAL PROVISIONS

Section 1.01 Powers of County

Sanders County shall have all powers not prohibited by the Constitution of the State of Montana, the laws of Montana, or this Charter.

COMMENT

Powers of the county include the power:

- (a) to adopt ordinances and resolutions;
- (b) to appoint and remove the county manager;
- (c) subject to the limitations provided by law, to raise and borrow money;
- (d) to make appropriations for county purposes;
- (e) to approve all contracts subject to bid;
- (f) to cooperate with other governmental agencies as prescribed in Article I, Section 1.04 of this charter;
- (g) to provide for an annual independent audit of the finances of the county;
- (h) to approve the budget;
- (i) to authorize community councils to advise the commission;
- (j) to appoint the members of all boards and commissions.

Section 1.02 Interpretation of Powers

The powers and authority of Sanders County shall be broadly construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority as opposed to state authority.

Section 1.03 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 state law.

Section 1.04 Intergovernmental Cooperation

(1) As provided by Article XI, Section 7 of the Constitution of Montana, Sanders County, unless prohibited by law or this charter, by ordinance or resolution, may

- (a) cooperate in the exercise of any function, power, or responsibility with,
- (b) share the services of any officer or facilities with,
- (c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

(2) The qualified electors of the county may, by initiative, or referendum, require it to cooperate or prohibit it from doing so.

Section 1.05 Oath of Office

Before assuming the duties of office, all elected officials shall

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Before assuming the duties of office, all elected officials shall take and subscribe the following oath of office; "I do solemnly swear that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and the Sanders County Charter, and that I will discharge the duties of my office with fidelity (so help me God)."

ARTICLE II
BOARD OF COUNTY COMMISSIONERS

Section 2.01 Powers

The Sanders County Commission shall be the legislative branch and policy making body of Sanders County and shall exercise all powers of the county except as otherwise provided in this Charter.

Section 2.02 Duties of and Restrictions on the County Commission

1. The Commission shall provide for an annual audit of the finances of the county and an annual independent audit of the effectiveness of past programs.
2. Neither the Commission nor any of its members may dictate the appointment or removal of any employee whom the Manager is 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 county employees who are subject to the direction and the supervision of the Manager, solely through the Manager and neither the Commission nor its members may give orders to any such employee, either publicly or privately.

COMMENT

Since the commission is a part-time legislative body, it is the manager who supervises all of the day-to-day business of the county. The employees are accountable to the manager and are not subject to possible political whims of individual commissioners or the commission as a whole. The manager is accountable to the commission which in turn must answer to the voters. Greater job stability for county employees is thus provided. Since the lines of authority are clearly drawn all employees, including department heads, know to whom they are responsible.

4. The Commission shall adopt an annual budget in which appropriations shall not exceed anticipated revenues.
5. The Commission shall not adopt an annual budget containing an all purpose levy. The general levy shall be limited to the following purposes: Administration, Courthouse Maintenance and Elections. All remaining tax levies shall be for one purpose specified as a single category.
6. Any budget transfers of budgeted funds authorized by the Commission shall be published in the next county legal notices.
7. The Commission may impose no new form of taxation unless approved by a majority of those voting on the question in referendum.
8. The Commission may impose no Ad Valorem taxes on real and personal property in excess of forty-five (45) mills unless approved by a majority of those voting on the question in referendum.

Section 2.03 Composition, Terms, Election, Qualifications, Compensation, Removal, Filling of Vacancies

1. The Commission shall be composed of five (5) voting members who shall serve on a part-time basis. Each shall serve a term of four (4) years. At least two (2) members shall be elected every two (2) years. Members shall be elected on a partisan basis.
2. The County shall be divided into five (5) districts of as nearly equal population as possible. Nominees for each commission district shall reside in that district. Commission members shall be elected in the county at large.

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COMMENT

Because the manager can be removed at any time by the Commission, the manager must be responsive to the policy decisions of the commission. Professionally trained managers expect to work under these conditions.

ARTICLE IV SHERIFF

Section 4.01 Qualification, Election, Term, Compensation, Vacancy, and Removal

1. There shall be nominated and elected at large in a non-partisan election, a Sheriff who shall serve a term of four (4) years.
2. The Sheriff shall have the qualifications set by Montana law for general government counties.
3. The compensation for the Sheriff shall be the same as the salary established for Sheriff by Montana law.
4. In the event of a vacancy, the Commission shall appoint a qualified person as Acting Sheriff until a successor is elected at the next Commission election and qualified. The successor thus elected shall hold office until the expiration of the original term to which the predecessor in the office was elected.
5. A Sheriff shall forfeit his office if he:
 - (a) Violates any express prohibition of this charter and/or county ordinances;
 - (b) Is convicted of official misconduct or of a felony, or being removed from office by a court of competent jurisdiction.
 - (c) Loses his eligibility for election to the position of sheriff.
6. The Sheriff may be recalled from office as provided by Montana law for general government counties.

Section 4.02 Powers and Duties

The Sheriff shall be the chief law enforcement officer of Sanders County. He shall perform all duties charged to him by law, this charter, ordinance and/or resolution.

- (a) He shall appoint and remove all sheriff department employees.

Section 4.03 Administrative Accountability

For administrative purposes, the Sheriff shall be director of the law enforcement department and responsible to the Commission as provided in the Administrative Code and the Personnel Code.

ARTICLE V COUNTY ATTORNEY

Section 5.01 Qualification, Election, Term, Compensation, Vacancy and Removal

1. There shall be nominated and elected at large in a non-partisan election, a County Attorney who shall serve a term of four (4) years.
2. The County Attorney shall have qualifications set by Montana law for general government counties.
3. The compensation for the County Attorney shall be the same as the salary established by Montana law for general government counties.
4. In the event of a vacancy, the Commission shall appoint a qualified person as Acting County Attorney until a successor is elected at the next Commission election and qualified. The successor thus elected shall hold office until the expiration of the original term to which the predecessor in the office was elected.
5. A County Attorney shall forfeit his office if he:
 - (a) Violates any express prohibition of this charter and/or county ordinances;

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- (b) Is convicted of official misconduct or of a felony, or being removed from office by a court of competent jurisdiction.
- (c) Loses his eligibility for election to the position of County Attorney.

c. The County Attorney may be recalled from office as provided by Montana law for general government counties.

Section 5.02 Powers and Duties

The County Attorney shall be the chief legal advisor and criminal prosecutor of the County and shall perform all duties charged to him by law, this charter, ordinance and resolution.

- (a) He shall appoint and remove all county attorney department employees.

Section 5.03 Administrative Accountability

For administrative purposes, the County Attorney shall be the director of the legal department and responsible to the Commission as provided in the Administrative Code and the Personnel Code.

ARTICLE VI
ADMINISTRATION

Section 6.01 General

The activities under the direction and supervision of the County Manager shall be distributed among such departments, agencies and offices as are established by the Charter or may be established in the Administrative Code in order to execute and enforce policies as determined by the Commission and to carry out obligations imposed on the county by state law.

Section 6.02 The Administrative Code

The Administrative Code shall provide the plan of organization and structure of the county government. The Administrative Code shall include, but not be limited to:

1. The Departmental organization of the government, the nature and scope of each department, and all required rules and procedures for department operation.
2. Comprehensive budget procedures for the government.
3. Procedures regarding boards, commissions, advisors, studies and any other government activities.

The County Manager may submit recommended changes in the Administrative Code to the Commission for review, amendment, and adoption by ordinance.

Section 6.03 The Personnel Code

The County Personnel Code shall include a hiring process, a salary schedule, provisions for vacations, sick leaves, insurance and other benefits for all employees in accordance with provisions of this charter, and state law. Procedures shall be provided for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action. Such other procedures as are necessary for an equitable personnel system shall be included.

ARTICLE VII
NOMINATIONS AND ELECTIONS

Section 7.01 Elected County Offices

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

Section 7.02 Districts

For the purposes of representation on the County Commission, Sanders County shall be divided into five (5) districts. Boundaries of commission districts may be changed in accordance with this Charter.

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Section 10.05 County Manager

1. Within three (3) months after the effective date of this Charter the Commission shall hire a Manager. The expenses of advertising applicants for the position and investigating such applicants shall be paid by the county.
2. Within six (6) months of the appointment of the Manager, the Manager shall submit a codification of all existing resolutions to the Commission for review, amendment and adoption by ordinance.
3. Within two (2) years of the effective date of the Charter, the Manager shall submit a codification of the ordinances and resolutions enacted under the Charter to the Commission for review, amendment and adoption by ordinance.

Section 10.06 Self-Government Powers

All existing resolutions of Sanders County not in conflict with the Charter shall remain in effect unless and until superseded by a resolution of the Commission.

We, the Study Commissioners of Sanders County, do hereby certify that this alternative form of government is in accordance with Article XI, Section 5 of the Montana Constitution and described in Section 3-208, provision 1-18 Revised Codes of Montana 1947, authorizing Charter government.

In testimony whereof, we set our hands

Done at Thompson Falls, Montana
13th day of September, 1976.

SEAL

ATTEST: *Doris Vaught*
Clerk & Recorder
Sanders County

E. M. ...
Charles M. ...
Roy D. ...
...

Local Government Study Commission

ATTEST:
CLERK AND RECORDER
OF SANDERS COUNTY

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR SANDERS COUNTY

If retained by the voters, the government of Sanders County shall be organized under the following provisions of Section 47A-3-205: Revised Codes of Montana 1947.

These sections establish the following form of government which shall be called COMMISSION FORM.