

**GOVERNMENT REVIEW STUDY COMMISSION
COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
WEDNESDAY, MAY 7, 2025
5:30 PM**



- 1) Call to Order
- 2) Communications from the Public - (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The presiding officer has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 3) Approval of April 17, 2025, Minutes
- 4) Old Business
- 5) New Business
- 6) Review City Charter (Standing Agenda Item)
 - a) Included in the packet is the redlined version provided by Commissioner Alessi, which also includes comments provided by Commissioners Dugan and Whitman
- 7) Public Comment
- 8) Communication to or from Study Commissioners
 - a) Commissioners report from individual group meetings
 - b) Letter from Rebecca Norton – comments on amendments to charter
- 9) Next meeting: May 14, 2025, 9am-Noon meet w/Dan Clark
May 29, 2025, 6pm Public Hearing present/adopt tentative report
- 10) Adjournment



The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.
- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.
- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09
February 20, 2007

PARLIAMENTARY MOTIONS GUIDE

Based on Robert's Rules of Order Newly Revised (11th Edition) and www.jimslaughter.com

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

PRIVILEGED MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Adjourn	I move to adjourn	No	Yes	No	No	Majority	Yes
Take a break	I move to recess for	No	Yes	No	Yes	Majority	No
Register complaint	I rise to a question of privilege	Yes	No	No	No	None	No
Orders of the day	I call for the orders of the day	Yes	No	No	No	None	No

SUBSIDIARY MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Lay aside temporarily	I move to lay the question on the table	Yes	Yes	No	No	Majority	Negative vote only
Close debate	I move the previous question	No	Yes	No	No	2/3	Yes
Limit / extend debate	I move that debate be limited to...	No	Yes	No	Yes	2/3	Yes
Postpone to a certain time	I move to postpone the motion to...	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee	I move to refer the motion to...	No	Yes	Yes	Yes	Majority	Yes
Amend a motion	I move to amend the motion by...	No	Yes	Yes	Yes	Majority	Yes
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority	Affirmative vote only

MAIN MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Bring business to motion	I move that (or “to”) ...	No	Yes	Yes	Yes	Majority	Yes

No order of precedence. Arise incidentally and decided immediately.

INCIDENTAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Enforce rules	Point of order	Yes	No	No	No	None	No
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority	Yes
Suspend rules	I move to suspend the rules which...	No	Yes	No	No	2/3	No
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3	Negative vote only
Divide motion / question	I move to divide the question	No	Yes	No	Yes	Majority	No
Demand rising vote	I call for a division	Yes	No	No	No	None	No
Paliamentary law question	Parliamentary inquiry	Yes (if urgent)	No	No	No	None	No
Request information	A point of information , please.	Yes (if urgent)	No	No	No	None	No

No order of precedence. Introduce only when nothing else pending.

RENEWAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Take matter from table	I move to take from the table...	No	Yes	No	No	Majority	No
Cancel or change previous action	I move to rescind / amend the motion...	No	Yes	Yes	Yes	2/3 or majority w/notice	Negative vote only
Reconsider motion	I move to reconsider the vote on...	No	Yes	Varies	No	Majority	No

**GOVERNMENT REVIEW STUDY COMMISSION
COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
WEDNESDAY, APRIL 2, 2025
5:30 PM**

1) Call to Order

Commissioner Chair, Kevin McDowell called the meeting to order. Commissioners present were Alessi, Wurster, Whitman, Dugan, Ex-Officio Howke, and City Manager Smith. Columbia Falls Study Commissioner Hopkins and City Councilor Caltabiano were in attendance.

2) Communications from the Public - (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The presiding officer has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Roger Hopkins is a member of the Columbia Falls Study Commission. Columbia Falls Commissioners are working trying to figure out if they should go to a Charter form of government. He is interested to see what Whitefish has done and look into cooperative agreements between the two municipalities. Columbia Falls next meeting is April 16th at City Hall, 5pm.

3) Approval of March 12, 2025, Minutes

Commissioner Wurster made a motion, seconded by Commissioner Alessi, to approve the March 12th minutes. Scott has had corrections to the minutes: *Next meeting: ~~March 12~~April 2, 2025 and Commissioner Wurster made a motion, seconded by Commissioner Alessi to amend the January 8, 2025 minutes to read as follows: “Commissioner Wurster made a motion, seconded by Nathan for a two-year timeline. The motion Carried unanimously”. “As the basis for his motion, Commissioner Wurster stated that he consulted with Council person Norton to confirm his recollection that there had been a vote, a unanimous vote for a two-year timeline at the January 8, 2025, that was passed unanimously. During the meeting Commissioner Alessi confirmed that recollection. Nathan feels it is difficult to amend minutes months down the road, especially since the meeting was not recorded to verify if the motion was made. The motion to amend the January 8, 2025 minutes failed 3 to 2, Commissioners Wurster and Alessi voting for the motion.*

The motion to approve the minutes as amended carried.

4) Old Business

a) Review LGR webpage – provide input to Michelle

Discussion for survey – look into sending postcard to 59937 (\$5,000 or less), splash page, CVB/Explore Whitefish e-Newsletter, Chamber of Commerce e-Newsletter, Hear of Whitefish email, Whitefish Pilot/Flathead Beacon, volunteer boards, city staff

Deadline May 15th include dates of the public meetings on the postcard.

Commissioner Alessi made a motion, seconded by Commissioner Dugan to mail a postcard to 59937, to include the survey and dates for public hearings, and the deadline of the survey to be May 15th, and a splash page on the website. The motion carried.

Discussion followed between the Commissioners pertaining to the wording the community survey question 2d) *Planning and zoning, by their nature, have a profound impact on the policy of Whitefish. According to our current charter, the Zoning Administrator answers to the City Manager, the executive portion of our city government. Would you prefer the Zoning Administrator answer to our elected policy making body, the City Council?* Commissioner Dugan expressed concerns about the leading nature of Question D, suggesting it singles out a department and introduces bias. He noted that while Questions A, B, and C address broader governance topics, Question D focuses on a specific political issue, potentially skewing responses. Commissioner Alessi acknowledged the concern but emphasized the importance of the question, citing discrepancies between policymaking and executive functions, particularly in zoning regulations affecting rental markets. She proposed rewording the question but opposed its removal, stressing the need for clarity in the roles of policymaking and executive branches. Commissioner Dugan acknowledged her perspective but reiterated his reservations about including a potentially agenda-driven question. **Commissioner Dugan made a motion, seconded by Commissioner Whitman to strike 2d) *Planning and zoning, by their nature, have a profound impact on the policy of Whitefish. According to our current charter, the Zoning Administrator answers to the City Manager, the executive portion of our city government. Would you prefer the Zoning Administrator answer to our elected policy making body, the City Council?* From the survey.** Commissioner Wurster opposed omitting the question, emphasizing its importance to the Charter and rejecting claims of an anti-growth agenda. Commissioner Alessi highlighted the impact of Airbnb's on housing for renters. Manager Smith clarified that zoning decisions are made by the Council, not the Zoning Administrator, who drafts zoning but does not have authority to change it. Commissioner Dugan expressed concerns about the question derailing work and leading to biased survey results. Commissioner Whitman suggested rewording the question for neutrality. Commissioner Dugan suggested rewording the question to be more neutral as such, *all city departments currently answer to the city manager. Should they answer to the elected body?* Commissioner Alessi noted the question's significance in shifting departmental oversight from the City Manager to the Council. Manager Smith explained that appointing officials would increase costs due to potential firing at Council meetings.

Commissioner Dugan changed his original motion to strike 2d), seconded by Commissioner Whitman to ~~Planning and zoning, by their nature, have a profound impact on the policy of Whitefish. According to our current charter, the Zoning Administrator answers to~~ is hired by and reports to the City Manager, ~~the executive portion of our city government.~~ Would you prefer the Zoning Administrator answer to our elected policy making body be appointed by and report to; ~~the City Council?~~ **The motion carried.**

5) New Business

a) Set open house date/time for the Tap House – late April

Tap House Podcast – April 9th at 7pm. Potential Quorum.
Prep-meeting - April 17th @ 5:00 pm at City Hall
Open House at Tap House – April 24th 6:30pm – 8:00pm

b) Set formal public meeting date/time/location

Adopt Tentative Report – May 29th at 6:00pm at Chambers

Commissioner Wurster shared his concerns for a condensed timeline. Chair McDowell stated the timeline has been discussed and approved. He feels if we are not moving this forward, and not getting all the input right now, we are never going to get it, and it is going to get washed out.

6) Review City Charter (Standing Agenda Item)

Commissioners provided suggestions on reviewing the Charter and how to move forward as a group.

Commissioner Whitman stated when chatting around town he heard frustration w/boards and committee, can there be limits on the number of committees, are there different ways to structure the requirements, etc.

Commissioner Alessi – suggested the Commission write questions that need clarification and start the review from those questions.

Commissioner Wurster –suggested having a session with the Local Government Center, to review and break the charter down for better understanding. Michelle will contact the Local Government Center to set a time to meet.

Commissioner Dugan – marked up version, everybody mark up with questions, send to Kevin, Michelle decipher attorney questions, LGC questions.

Commissioner McDowell – marked up charters to Kevin/Michelle by end of day April 18th. Local Government Center, meet at May meeting. Not limit their options to the May meeting include CFALLS.

7) Public Comment

Roger – Columbia Falls, Ruis, CFAC property, 1500-1800 housing units, what might be possible if we leverage.

8) Communication to or from Study Commissioners

a) Commissioners provide report from individual group meetings

Kevin reached out to school board, mixed reviews, and Dave Means, and called Mrs. Boksich. Kevin moose lodge, Kiwanis, Rotary, not reached out to Chamber – Kevin/Dakota meet.

Commissioners Wurster/McDowell/Alessi – Logan Health

Commissioner Dugan -April 25th Mr. Webb classroom

Commissioner Whitman – Scott talking about conservation groups. Sandra – performing arts – chat

Commissioner Alessi – no updates

Commissioner Wurster – economic chamber/sat down with Eric Schmidt, make contacts – host meeting

Commissioner Dugan – track down group of renters.

9) Next meeting: April 17, 2025- Open House preparation meeting

April 24, 2025- Open House

May 7, 2025 – Commissioner Meeting

10) Adjournment

Commissioner Alessi made a motion, seconded by Commissioner Whitman to adjourn the meeting at 7:21pm.

Kevin McDowell - Chair

Attest:

Michelle Howke, Whitefish City Clerk

CHARTER OF THE CITY OF WHITEFISH

Commented [MH1]: Dakota - Entire charter: change gendered language to gender neutral

PREAMBLE

We, the people of the city of Whitefish, Montana, ~~in order to modernize our form of local government, increase its efficiency and to provide for local self-determination, do hereby adopt this charter~~ in accordance with article XI, section 5 of the Montana Constitution, and in accordance with title 7, chapter 3, part 7 Montana Code Annotated 1979, ~~in order to modernize our form of local government, increase its efficiency and to provide for local self-determination, do hereby adopt this charter.~~

ARTICLE I

GENERAL PROVISIONS

Section 1.01: Powers Of The City:

The city of Whitefish shall possess self-govern~~ingment~~ powers and have all powers not prohibited by the constitution of Montana, the laws of Montana or this charter.

Section 1.02: Interpretation of Powers:

The powers and authority of the city of Whitefish shall be liberally construed. Every reasonable doubt as to the existence of a power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03: Charter Supremacy:

~~The provisions of this charter establishing an executive, legislative and administrative structure and organization are superior to statutory provisions. As provided in [a]Article XI, section 5 of the constitution of Montana, and title 7, chapter 3, part 701(2), Montana Code Annotated 1979]; provisions herein establishing an executive, legislative and administrative structure and organization are superior to statutory provisions.~~

Section 1.04: Intergovernmental Cooperation:

~~As provided by article XI, section 7 of the constitution of Montana, unless prohibited by law or this charter, the city of Whitefish may: Unless prohibited by law or this charter, the city of Whitefish may:~~

- ~~1. Delegate any of its powers to any one or more local government units, school districts, the state of Montana or the United States;~~
- ~~2. Delegate any of its functions to any one or more local government units, school districts, the state of Montana or the Unites States; or~~

3. Cooperate in the financing of any services with any one or more local government units, school districts, the state or the United States. ~~[Article XI, section 7 of the constitution of Montana]~~

Commented [MH2]: Dakota - Could this be streamlined into one sentence?

Section 1.05: Oath Of Office:

Before entering upon the duties of office, all elected city officials shall take and subscribe the oath of office as prescribed in ~~a~~Article 111, section 3 of the constitution of Montana. (January 5, 1981)

ARTICLE II

CITY ~~COUNCIL~~COUNCIL

Section 2.01: Composition, Election, Qualifications, Compensation, Removal, Filling of Vacancies:

~~1.1-~~There shall be a ~~e~~City ~~council~~Council of six (6) members, three (3) of whom shall be elected every two (2) years. (January 5, 1981)

Commented [MH3]: Nathan had this circled - but no comment

~~2.2.1.~~ All ~~council~~Council members shall be elected at large and shall be a qualified voter of the city of Whitefish, ~~and that t~~The three (3) candidates for ~~council~~Council receiving the most votes at each biannual election shall be elected to the office of ~~e~~City ~~council~~Council. (Amended November 1985)

Commented [MH4]: Nathan had this circled - but no comment

~~3.32.~~ Members of the ~~council~~Council shall be elected for terms of four (4) years on a nonpartisan basis.

Commented [MH5]: Nathan had this circled - term limits?

~~4.4.3.~~ Members of the ~~council~~Council shall receive ~~no salary. As provided by ordinance, they shall receive per diem and mileage allowances for expenses~~compensation as well as per diem expenses and mileage allowances for expenses incurred in the performance of their duties of office. (Amended November 2024)

Commented [MH6]: Nathan had this to be deleted

~~5.5.4 a.~~ The office of a ~~city~~City ~~council~~Council member shall become vacant upon ~~his~~death, resignation, ~~forfeiture or~~ removal from office in any manner authorized by law; ~~or forfeiture of his office;~~

~~b.~~ ~~a.~~ A ~~council~~Council member shall forfeit ~~his~~the office if ~~he~~:

i. ~~Loses his e~~Eligibility is lost for election to ~~his~~the ~~council~~Council seat;

Commented [MH7]: Nathan - question renters

ii. ~~Violates a~~Any express prohibition of this charter is violated;

iii. ~~There is a felony conviction; Is convicted of a felony;~~

Commented [MH8]: Nathan - Reinstated?

iv. ~~Without council approval, There is a fails failure~~ to attend three (3) consecutive regularly scheduled ~~council~~Council meetings, ~~without Council approval.~~

Commented [MH9]: Nathan - Council must adopt rules? Never enforced/always approved - what is the point?

Section 2.02: Powers And Duties Of The ~~Council~~Council:

1. The eCity ~~council~~Council shall be the legislative and policy determining body of the city of Whitefish. ~~The Council shall provide for the exercise of all powers of the city and provide for performance of all duties and obligations of the city, unless prohibited by the constitution of the State of Montana, in the laws of the State of Montana or this charter. Except as prohibited by the constitution of the state of Montana, the laws of the state of Montana or this charter, the council shall provide for the exercise of all powers of the city and for performance of all duties and obligations of the city.~~

2. The ~~council~~Council shall appoint or remove the city ~~administrator~~Administrator with the concurrence of four (4) of its members.

Commented [MH10]: Nathan - anonymous vote?

3. The ~~council~~Council shall adopt an annual budget by ordinance.

4. The ~~council~~Council shall provide for an independent annual audit of all city accounts and may provide for ~~such~~more frequent audits as it deems necessary. If the state makes such an audit, the ~~council~~Council may accept it as satisfying the requirements of this section.

5. The ~~council~~Council shall adopt by ordinance and maintain an administrative code and a personnel system as provided in article IV of this charter.

6. The ~~council~~Council may make investigations into the affairs of the city and conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

7. ~~In the event of vacancy, the council shall, w~~Within thirty (30) days of a vacancy, by majority vote of the remaining members, ~~the Council shall~~ appoint a person, eligible to hold ~~such a council~~Council seat, to fill the vacancy until ~~the next~~ the remainder of that term expires regular city election at which time the remainder of the terms shall be filled as provided by law. ~~At the next regular city election all terms of office shall be filled as provided by law.~~

Commented [MH11]: Nathan - Mayor? Mayor strength

8. The ~~council~~Council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of ~~their~~ office, ~~and f~~For that purpose, ~~the Council~~ shall have powers to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of ~~his~~ 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. (Effective 1-5-1981)

9. The mayor shall be elected every four (4) years, at large on a nonpartisan basis. The mayor shall preside at meetings of the ~~council~~Council, shall be recognized as the head of the city

government for all ceremonial purposes ~~(or may delegate this duty)~~ and by the governor for the purposes of military law. The mayor ~~may delegate this duty.~~ The Mayor shall have no administrative duties. The mayor shall vote only in the case of tie votes on the ~~council~~Council. (Effective 1-5-1981; amd. Approved by voters 11-7-2006, eff. 1-2-2007)

Commented [MH12]: Nathan - Veto power? Strength

10. The ~~council~~Council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, ~~in the event if~~ a vacancy occurs in the office of the mayor, shall become mayor for the remainder of the unexpired term. (Effective 1-5-1981)

Commented [MH13]: Nathan - anonymous vote?

11. The ~~council~~Council shall appoint a citizen's standing committee or board of three (3) to five (5) members who shall serve at the will of the ~~council~~Council for the purpose ~~of reviewing proposals for action presented or submitted by citizens or other interested parties.~~ This standing committee or board shall study, review and make recommendations to the Council as a whole. ~~whereby citizens or other interested parties may first submit or present their proposals for action of the city council Council for study, review and recommendations by the committee or board to the council Council as a whole.~~ This provision shall not prohibit the appointment of ad hoc committees by the mayor or ~~council~~Council.

Commented [MH14]: Nathan - ? A board?

12. The ~~council~~Council shall create and establish a board of park commissioners pursuant to and subject to all the provisions of MCA sections 7-16-4201 through 7-16-4226. (Amended by voters 11-1985, eff. 1-1-1986)

Commented [MH15R14]: Dakota - does the "will of the council" language allow for requirements on knowledge of subject matter of the respective board?

Commented [MH16]: Nathan - probably impossible to remove, but why in charter?

Section 2.03: Restrictions On The ~~Council~~Council

1. ~~Except where authorized by law, n~~No ~~council~~Council person shall hold any other city office or city employment for compensation, ~~except where authorized by law.~~

2. ~~Neither t~~The ~~council~~Council ~~nor and~~ any of its members shall NOT in any manner dictate the appointment or removal of any city administrative director, officer or employees whom the City administrator~~Administrator~~ or any ~~of his~~subordinates are empowered to appoint, ~~but t~~The ~~council~~Council may express its views and fully and freely discuss with the City administrator~~Administrator~~ anything pertaining to appointment and removal of such director, officers and employees.

3. All Council members shall deal with city directors, officers and employees who are subject to the direction and supervision of the City Administrator solely through the City Administrator; and no Council member shall give any order(s) to any director, officer, or employee, either publicly or privately. The only exception to this is for the purpose of inquiries and investigations under ~~Except for the purpose of inquiries and investigations under a~~Article 11, section 2.02 of this charter, ~~the council Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the administrator Administrator solely through the administrator Administrator; and neither the council Council nor its members shall give orders to any such officer or employee, either publicly or privately.~~

Section 2.04: ~~Council~~Council Procedure, Public Participation:

1. ~~Council~~Council procedure shall be ~~as~~-prescribed according to ~~by~~ state law.
2. The ~~council~~Council shall meet at least once per month in regular session.
3. The ~~council~~Council shall determine its own rules and order of business and shall provide for the keeping of minutes 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 ~~council~~Council shall be public records and shall be made available for examining or copying. (January 5, 1981)

Commented [MH17]: Nathan - update?

Commented [MH18]: Nathan - free of charge? Requests/year?

ARTICLE III

CITY ~~ADMINISTRATOR~~ADMINISTRATOR

Section 3.01: Appointment And Removal, Qualifications, Compensation:

1. The ~~e~~City ~~administrator~~Administrator shall be appointed by the ~~council~~Council for an indefinite term on the basis of merit only. The ~~council~~Council shall fix ~~his~~ compensation.
2. The ~~e~~City ~~administrator~~Administrator need not be a resident of the city at the time of ~~his~~ appointment. Only with the approval of the Council, may the City Administrator ~~but may~~ reside outside of the city limits during the term of employment, while employed only with the approval of the council~~Council~~.
3. The ~~council~~Council may remove the ~~e~~City ~~administrator~~Administrator from office at any regularly scheduled or special meeting.

Commented [MH19]: Nathan - text amendments to correct?

Section 3.02: Acting City ~~Administrator~~Administrator:

By letter filed with the mayor, the ~~City administrator~~Administrator shall designate, subject to approval of the ~~council~~Council, a qualified city administrative officer to exercise the powers and perform the duties of the City administrator~~Administrator~~ during ~~his~~a temporary absence or disability. During such absence or disability, the ~~council~~Council may revoke such designation at any time and appoint another officer of the city to serve until the ~~administrator~~Administrator shall return or ~~his~~the disability shall cease.

Section 3.03: Duties Of The City ~~Administrator~~Administrator:

1. The ~~e~~City ~~administrator~~Administrator shall be the chief administrative officer of the city. ~~He and~~ shall be responsible to the ~~council~~Council for the administration of all city affairs.

2. The ~~eCity administrator~~Administrator shall:
- a. Direct, supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by this charter, law or ordinance.
 - b. Carry out policies established by the ~~council~~Council;
 - c. Prepare the ~~council~~Council agenda;
 - d. Report to the ~~council~~Council and make ~~recommendations regarding measures on~~ the affairs and financial condition of the local government as the ~~council~~Council may require;
 - e. Execute bonds, notes, contracts and written obligations on behalf of the ~~council~~Council, subject to the approval of the ~~council~~Council;
 - f. Attend ~~council~~Council meetings and ~~(~~may take part in the discussion, but ~~may shall~~ not vote);
 - g. Prepare and present the budget to the ~~council~~Council for its approval and execute the budget adopted by the ~~council~~Council; (January 5, 1981)
 - h. ~~Except for city attorney and municipal court judge, appoint, suspend and remove all employees of the city unless otherwise provided by law or ordinance; provided, Appoint, suspend and remove all employees of the city, unless otherwise provided for by law or ordinance, except for the city attorney and municipal court judge~~ however, that in the case of the appointment of chief of police ~~for the city~~, the police commission of the city shall review all applicants for the position and make its recommendations to the ~~eCity administrator~~Administrator; (Amended November 1985; effective January 1, 1986; amd. Approved by voters 11-3-2009)
 - i. Attend meetings of planning boards on which the city is presented;
 - j. Submit recommended changes in the administrative code or the personnel system to the ~~council~~Council.
3. The ~~eCity administrator~~Administrator shall not delegate any of the duties and responsibilities in this section without consent of the ~~council~~Council. (January 5, 1981)

Commented [MH20]: Nathan - does this happen?

Commented [MH21]: Nathan - i. above?

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01: General:

1. The ~~Council~~Council may establish city departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies.

Commented [MH22]: Nathan - Mayor?

Commented [MH23R22]: Dakota - the council can prescribe duties, but do they have the power to change it?

2. All departments, offices and agencies under the direction and supervision of the ~~City administrator~~Administrator shall be administered by an officer appointed by and subject to the direction and supervision of the ~~City administrator~~Administrator. With the consent of the ~~council~~Council, the ~~City administrator~~Administrator may serve as the head of one or more ~~such~~ departments, offices or agencies or may appoint one person as the head of two (2) or more of them.

Section 4.02: Legal Officer:

There shall be a legal officer of the city, appointed by the ~~city council~~Council, who shall serve as chief legal advisor to the ~~council~~Council, the ~~City administrator~~Administrator and all city departments, offices and agencies, and shall represent the city in all legal proceedings and shall perform any other duties prescribed by ordinance.

Section 4.03: Administrative Code:

The administrative code shall provide the complete plan or organization and structure of the city government and shall include:

1. The departmental organization of the city government, the nature and scope of each department and all required rules and procedures for department operation.
2. Comprehensive budget procedures for the city government.

~~3. Procedures regarding boards, commissions or any other government activities.~~

Commented [MH24]: Dakota- unclear how this may potentially conflict with Section 2.02, item 11

Section 4.04 Personnel System:

The city personnel system shall include:

~~1) a~~A salary schedule, provisions for vacations, sick leaves, insurance and other benefits for all persons in accordance with the provisions of this charter;

~~2) p~~Procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action;

~~3) a~~And shall provide for such other procedures as necessary for an efficient personnel system. (January 5, 1981)

ARTICLE V

NOMINATIONS AND ELECTIONS, INIATIVE AND REFERENDUM

Section 5.01: Elected Offices:

The procedures for the election of all elected city officials shall be as prescribed by state law for

nonpartisan elections. The procedures for recall of ~~all~~any elected city officials shall be as provided by state law.

Section 5.02: Initiative And Referendum:

The procedure for initiative and referendum shall be as provided by state law. (January 5, 1981)

Commented [MH25]: Nathan - ?

Section 5.03: Reapportionment of Wards:

(Repealed November 1985; effective January 1, 1986)

Commented [MH26]: Nathan - ?

Section 5.04: Redistricting:

(Repealed November 1985; effective January 1, 1986)

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01: Amendment Of Charter:

This charter may be amended only as provided by state law.

Section 6.02: Effective Date:

This charter shall become effective on January 5, 1981.

Section 6.03: ~~Separability~~Severability:

In any provision of this charter is held invalid, the other provisions of this charter shall not be affected. ~~thereby~~. If the application of this 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~~. (January 5, 1981)

Michelle Howke

From: Dakota Whitman
Sent: Wednesday, April 16, 2025 2:06 PM
To: Kevin McDowell
Cc: Michelle Howke
Subject: Charter comments and edits

Follow Up Flag: Follow up
Flag Status: Flagged

Hey, Kevin.

I read through the charter and am providing you my comments in the email below:

Entire charter: change gendered language to gender neutral

Section 1.04, items 1-3: could this be streamlined into one sentence?

Section 2.02, item 11: does the “will of the council” language allow for requirements on knowledge of subject matter of the respective board?

Section 4.01:, item 1: the council can prescribe duties, but do they have the power to change it?

Section 4.03, item 3: unclear how this may potentially conflict with Section 2.02, item 11

Let me know if you need anything else from me.

Thanks!

-Dakota

CHARTER OF THE CITY OF WHITEFISH

PREAMBLE

✓ We, the people of the city of Whitefish, Montana, in accordance with article XI, section 5 of the Montana Constitution, and in accordance with title 7, chapter 3, part 7 Montana Code Annotated 1979, in order to modernize our form of local government, increase its efficiency and to provide for local self-determination, do hereby adopt this charter.

Article I

GENERAL PROVISIONS

✓ Section 1.01: Powers Of The City: The city of Whitefish shall possess self-government powers and have all powers not prohibited by the constitution of Montana, the laws of Montana or this charter.

✓ Section 1.02: Interpretation Of Powers: The powers and authority of the city of Whitefish shall be liberally construed. Every reasonable doubt as to the existence of a power or authority shall be resolved in favor of the existence of that power or authority.

✓ Section 1.03: Charter Supremacy: As provided in article XI, section 5 of the constitution of Montana, and title 7, chapter 3, part 701(2), Montana Code Annotated 1979, provisions herein establishing an executive, legislative and administrative structure and organization are superior to statutory provisions.

✓ Section 1.04: Intergovernmental Cooperation: As provided by article XI, section 7 of the constitution of Montana, unless prohibited by law or this charter, the city of Whitefish may:

✓ 1. Delegate any of its power to;

✓ 2. Delegate any of its functions to; or

✓ 3. Cooperate in the financing of any services with any one or more local government units, school districts, the state or the United States.

✓ Section 1.05: Oath Of Office: Before entering upon the duties of office, all elected city officials shall take and subscribe the oath of office as prescribed in article III, section 3 of the constitution of Montana. (January 5, 1981)

Article II

CITY COUNCIL

Section 2.01: Composition, Election, Qualifications, Compensation, Removal, Filling Of Vacancies:

1. There shall be a city council of six (6) members, three (3) of whom shall be elected every two (2) years. (January 5, 1981)

2. All council members shall be elected at large and be a qualified voter of the city of Whitefish and that the three (3) candidates for council receiving the most votes at each biannual election shall be elected to the office of city council. (Amended November 1985)

3. Members of the council shall be elected for terms of four (4) years on a nonpartisan basis.

→ term limits?

~~4. Members of the council shall receive no salary. As provided by ordinance, they shall receive per diem and mileage allowances for expenses incurred in the performance of their duties of office.~~

✓ 5.a. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office;

✓ b. A council member shall forfeit his office if he:

i. Loses his eligibility for election to his council seat;

→ question centers

✓ ii. Violates any express prohibition of this charter;

iii. Is convicted of a felony;

→ reinstatement?

iv. Without council approval, fails to attend three (3) consecutive regularly scheduled council meetings.

→ council must adopt rules?

→ never enforced/always approved → what's the point?

Section 2.02: Powers And Duties Of The Council:

✓ 1. The city council shall be the legislative and policy determining body of the city of Whitefish. Except as prohibited by the constitution of the state of Montana, the laws of the state of Montana or this charter, the council shall provide for the exercise of all powers of the city and for performance of all duties and obligations of the city.

2. The council shall appoint or remove the city administrator with the concurrence of four (4) of its members.

→ anonymous vote?

✓ 3. The council shall adopt an annual budget by ordinance.

✓ 4. The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

✓ 5. The council shall adopt by ordinance and maintain an administrative code and a personnel system as provided in article IV of this charter.

✓ 6. The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

→ mayor? → ↑ mayoral strength

7. In the event of vacancy, the council shall, within thirty (30) days, by majority vote of the remaining members, appoint a person, eligible to hold such council seat, to fill the vacancy until the next regular city election at which time the remainder of the terms shall be filled as provided by law.

✓ 8. The council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his 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. (Effective 1-5-1981)

9. A mayor shall be elected every four (4) years, at large on a nonpartisan basis. The mayor shall preside at meetings of the council, shall be recognized as the head of the city government for all ceremonial purposes (or may delegate this duty) and by the governor for the purposes of military law. The mayor shall have no administrative duties. The mayor shall vote in the case of tie votes on the council. (Effective 1-5-1981; amd. Approved by voters 11-7-2006, eff. 1-2-2007)

→ veto power? → strength

10. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs in the office of the mayor, shall become mayor for the remainder of the unexpired term. (Effective 1-5-1981)

→ anonymous vote?

? 11. The council shall appoint a citizen's standing committee or board of three (3) to five (5) members who shall serve at the will of the council for the purpose whereby citizens or other interested parties may first submit or present their proposals for action of the city council for study, review and recommendations by the committee or board to the council as a whole. This provision shall not prohibit the appointment of ad hoc committees by the mayor or council. → a board?

12. The council shall create and establish a board of park commissioners pursuant to and subject to all the provisions of MCA sections 7-16-4201 through 7-16-4226. (Amended by voters 11-1985, eff. 1-1-1986)

→ probably impossible to remove, but why in charter?

Section 2.03: Restrictions On The Council:

✓ 1. Except where authorized by law, no council person shall hold any other city office or city employment for compensation.

✓ 2. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative offices or employees whom the administrator or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the administrator anything pertaining to appointment and removal of such officers and employees.

✓ 3. Except for the purpose of inquiries and investigations under article II, section 2.02 of this charter, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the administrator solely through the administrator, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.04: Council Procedure, Public Participation:

✓ 1. Council procedure shall be as prescribed by state law.

2. The council shall meet at least once per month in regular session.

→ update?

✓ 3. The council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. ~~to publish~~

✓ 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 council shall be public records and shall be made available for examining or copying. (January 5, 1981)

→ free of charge?

requests/year?

Article III

CITY ADMINISTRATOR

Section 3.01: Appointment And Removal, Qualifications, Compensation:

1. The city administrator shall be appointed by the council for an indefinite term on the basis of merit only. The council shall fix his compensation.

text amendments to correct?

? 2. The city administrator need not be a resident of the city at the time of his appointment but may reside outside the city while employed only with the approval of the council.

✓ 3. The council may remove the city administrator from office at any regularly scheduled or special meeting.

Section 3.02: Acting City Administrator: By letter filed with the mayor, the administrator shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of administrator during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the administrator shall return or his disability shall cease.

Section 3.03: Duties Of The City Administrator:

✓ 1. The city administrator shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs.

✓ 2. The city administrator shall:

✓ a. Direct, supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by this charter, law or ordinance;

✓ b. Carry out policies established by the council;

✓ c. Prepare the council agenda;

- ✓ d. Report to the council and recommend measures on the affairs and financial condition of the local government as the council may require;
- ✓ e. Execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council;
- ✓ f. Attend council meetings and may take part in the discussion, but may not vote;
- ✓ g. Prepare and present the budget to the council for its approval and execute the budget adopted by the council; (January 5, 1981)
- ✓ h. Except for city attorney and municipal court judge, appoint, suspend and remove all employees of the city unless otherwise provided by law or ordinance; provided, however, that in the case of the appointment of chief of police for the city, the police commission of the city shall review all applicants for the position and make its recommendations to the city administrator; (Amended November 1985; effective January 1, 1986; amd. Approved by voters 11-3-2009)
- i. Attend meetings of planning boards on which the city is represented; *? does this happen?*
- ✓ j. Submit recommended changes in the administrative code or the personnel system to the council.
- ✓ k. The city administrator shall not delegate any of the duties and responsibilities in this section without consent of the council. (January 5, 1981) *→ i. above?*

Article IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01: General:

Mayor?

1. The council may establish city departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies.

2. All departments, officers and agencies under the direction and supervision of the administrator shall be administered by an officer appointed by and subject to the direction and supervision of the administrator. With the consent of the council, the administrator may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two (2) or more of them.

Section 4.02: Legal Officer: There shall be a legal officer of the city, appointed by the city council, who shall serve as chief legal advisor to the council, the administrator and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by ordinance.

Section 4.03: Administrative Code: The administrative code shall provide the complete plan of organization and structure of the city government and shall include:

✓ 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 or any other government activities.

✓ Section 4.04: Personnel System: The city personnel system shall include a salary schedule, provisions for vacations, sick leaves, insurance and other benefits for all persons in accordance with the 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 efficient personnel system. (January 5, 1981)

Article V

NOMINATIONS AND ELECTIONS, INITIATIVE AND REFERENDUM

✓ Section 5.01: Elected Offices: The procedure for the election of all elected city officials shall be as prescribed by law for nonpartisan elections. The procedure for recall of all elected city officials shall be as provided by law.

✓ Section 5.02: Initiative And Referendum: The procedure for initiative and referendum shall be as provided by law. (January 5, 1981)

? Section 5.03: Reapportionment Of Wards: (Repealed November 1985; effective January 1, 1986)

? Section 5.04: Redistricting: (Repealed November 1985; effective January 1, 1986)

Article VI

MISCELLANEOUS PROVISIONS

✓ Section 6.01: Amendment Of Charter: This charter may be amended only as provided by state law.

✓ Section 6.02: Effective Date: This charter shall become effective on January 5, 1981.

✓ Section 6.03: Separability: 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. (January 5, 1981)

Michelle Howke

From: Rebecca Norton
Sent: Thursday, April 24, 2025 12:05 PM
To: Dana Smith; Michelle Howke; Kevin McDowell; Nathan Dugan; Scott Wurster; Sandra Alessi; Dakota Whitman
Subject: Charter changes re:city manager

Follow Up Flag: Follow up
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I would like to change the city administrator section to read as gender neutral. Specifically to Article III, section 3.01, 1. The Council shall fix compensation of the city administrator. (Not “The council shall fix HIS compensation” and under 2. The city administrator need not be a resident of the city at the time of appointment... (not “at the time of HIS appointment”). And under Section 3.02 during a temporary absence (not HIS temporary absence), and last sentence “shall return or the disability has ceased”, not HIS disability. And under section 3.03, 1. The City Administrator shall be responsible (not HE shall). I know it’s housekeeping but in my profession we’ve written in gender-neutral language for over thirty years and it is appropriate given our City Manager is a female and future City Managers may be as well. Thanks all

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