

**GOVERNMENT REVIEW STUDY COMMISSION
COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
WEDNESDAY, MAY 13, 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) Review City Charter (Standing Agenda Item) Continue from May 7th
 - a) Included in the packet is the redlined version provided by Commissioner Alessi, which also includes comments provided by Commissioners Dugan and Whitman
- 4) Public Comment
- 5) Communication to or from Study Commissioners
- 6) Next meeting: May 14, 2025, 9am-Noon meet w/Dan Clark
May 29, 2025, 6pm Public Hearing present/adopt tentative report
- 7) 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
Pliamentary 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

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 United 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~~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~~ 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~~ 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)

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.

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;

ii. Violates any express prohibition of this charter;

iii. Is convicted of a felony;

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

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.

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.

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)

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)

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.

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)

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

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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.
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.
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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;
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 - 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;
 - j. Submit recommended changes in the administrative code or the personnel system to the council.
3. The city administrator shall not delegate any of the duties and responsibilities in this section without consent of the council. (January 5, 1981)

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ADMINISTRATIVE DEPARTMENTS

Section 4.01: General:

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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.

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2. Comprehensive budget procedures for the government.
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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)

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Whitefish, Flathead County, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance, entitled: " AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF WHITEFISH, MONTANA, THE QUESTION OF WHETHER TO AMEND ARTICLE II, SECTION 2.01(4) OF THE CITY CHARTER TO DELETE THE PROVISION PROHIBITING CITY COUNCIL MEMBERS FROM RECEIVING SALARIES" on file in the original records of the City in my legal custody; that the ordinance was duly adopted on first reading by the City Council of the City at a meeting on May 6, 2024, and on second reading at a meeting held on May 20, 2024, that the meetings were duly held by the City Council and were attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the ordinance at said meeting, the following Council Members voted in favor thereof: Councilors Feury, Norton, Davis, Sweeney and Caltabiano; voted against the same: _____; abstained from voting thereon: _____; or were absent: Councilor Qunell.

WITNESS my hand and seal officially this 20th day of May 2024.

/s/Michelle Howke

City Clerk

(SEAL)

ORDINANCE NO. 24-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF WHITEFISH, MONTANA, THE QUESTION OF WHETHER TO AMEND ARTICLE II, SECTION 2.01(4) OF THE CITY CHARTER TO DELETE THE PROVISION PROHIBITING CITY COUNCIL MEMBERS FROM RECEIVING SALARIES.

RECITALS

WHEREAS, the City's current Charter, which was originally adopted by the voters of the City of Whitefish in 1980, provides in the first sentence of Article II, Section 2.01(4) that members of the City Council shall receive no salary; and

WHEREAS, § 7-3-103, MCA, provides an amendment to a self-government charter may only be made by submitting the question of amendment to the electors of the local government as provided in § 7-3-149, MCA, which amendment may be proposed by ordinance; and

WHEREAS, § 7-3-149(1)(b), MCA, provides the City may call an election on the question of an amendment to its Charter upon the adoption of a local ordinance; and

WHEREAS, § 7-3-149(4)(a), MCA, provides the affirmative vote of a simple majority of those voting on the question of amendment is required for adoption.

WHEREAS, it will be in the best interests of the City, and its inhabitants, to present to the voters a proposed amendment to Article II, Section 2.01(4) of the City Charter to delete the provision prohibiting City Council members from receiving salaries.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: That the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The Whitefish City Council presents to qualified voters of the City of Whitefish the following amendment to Article II, Section 2.01(4) of the City Charter:

Members of the City Council may receive compensation, such as a salary, stipend, City-paid health insurance, per diem, or mileage allowance, all as set by resolution after a public hearing.

Section 3: If approved by the majority of the electors, the amendment to the City Charter would become effective January 1, 2025.

Section 4: Other than the amendment set forth in Section 2 above, the Whitefish City Council does not propose any other changes to the City Charter.

Section 5: The election on the proposed amendment to be submitted to the voters shall be held on November 5, 2024, in accordance with §§ 13-1-405 and 13-1-104, MCA.

Section 6: The question to be presented to the voters and the ballot issue shall be in substantially the same form as Exhibit "A," attached to this Ordinance; provided, however, that the City Attorney is authorized to revise Exhibit "A," as necessary, to conform to State law and to satisfy the Flathead County Election Department.

Section 7: A copy of this Ordinance will be provided to the Flathead County Election Administrator as soon as possible after its adoption and approval in order to inform them of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

Section 8: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and the signing by the Mayor thereof. .

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 20TH DAY OF MAY 2024.

/s/John Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/Michelle Howke
Michelle Howke, City Clerk

EXHIBIT A

CITY OF WHITEFISH, MONTANA
BALLOT ISSUE

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the blank before the words "FOR this amendment" if you wish to vote for the amendment; if you are opposed to the amendment, make an X or similar mark in the blank before the words "AGAINST this amendment."

To amend Article II, Section 2.01(4) of the Whitefish City Charter effective January 1, 2025, as follows:

Members of the City Council may receive compensation, such as a salary, stipend, City-paid health insurance, per diem, or mileage allowance, all as set by resolution after a public hearing.

_____ FOR this amendment

_____ AGAINST this amendment