



Roles And Responsibilities in Municipal Government

Foundations of Governance Online Training for Newly Elected Officials

MSU Local Government Center

MT League of Cities and Towns

MT Municipal Interlocal Authority

Public Trust – Public Duty (2-2- 103 MCA)

The holding of public office or employment is a **public trust**, created by the confidence that the electorate reposes in the **integrity of public officers and public employees**. A public officer or public employee **shall** carry out the individual's **duties for the benefit of the people of the state.**



What is “Public”?

- Your actions are visible for all to see
- You are accountable for what you do
- The public - diverse group of people
- You encounter and engage with people different than you
 - + People are not linked by common interest but common problems

Public Service

- It's not about you
- Facilitating the public's good
- Preserve peace and order
- Secure freedom from dangerous and noxious activities
- Secure and promote general public health and welfare



The Golden Rule of Open Government

The **business** of government
is the **people**...

Government is **not** designed
to be **efficient**;

it's designed to be **fair**,
unbiased, equitable, and impartial.



Distribution of powers

(7-1-4122 MCA)

- (1) A municipality has legislative, executive, and judicial powers.
- (2) All legislative powers are vested in the governing body of the municipality.
- (3) Executive powers are vested as provided in the form of government adopted by the municipality.
- (4) The judicial powers of a municipality are vested in the municipal court.

Power

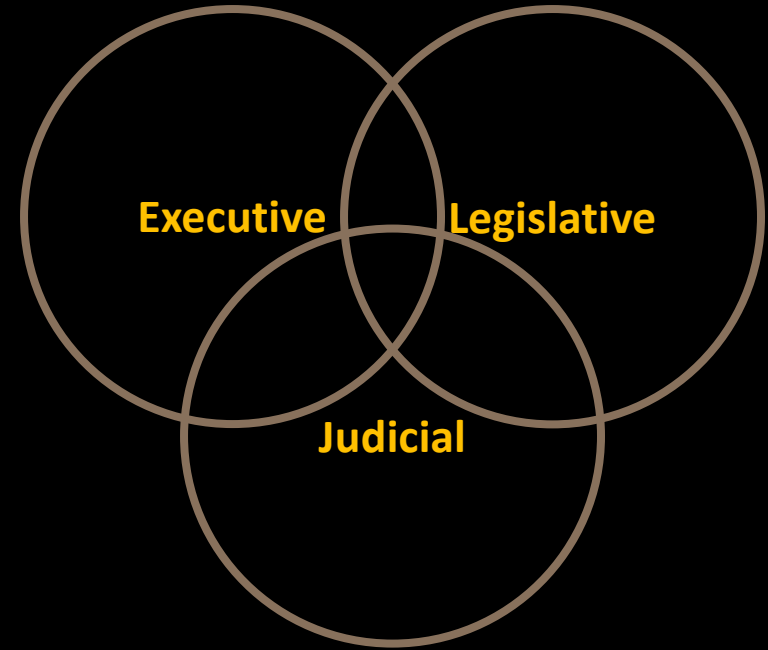
- General
- Self

Form

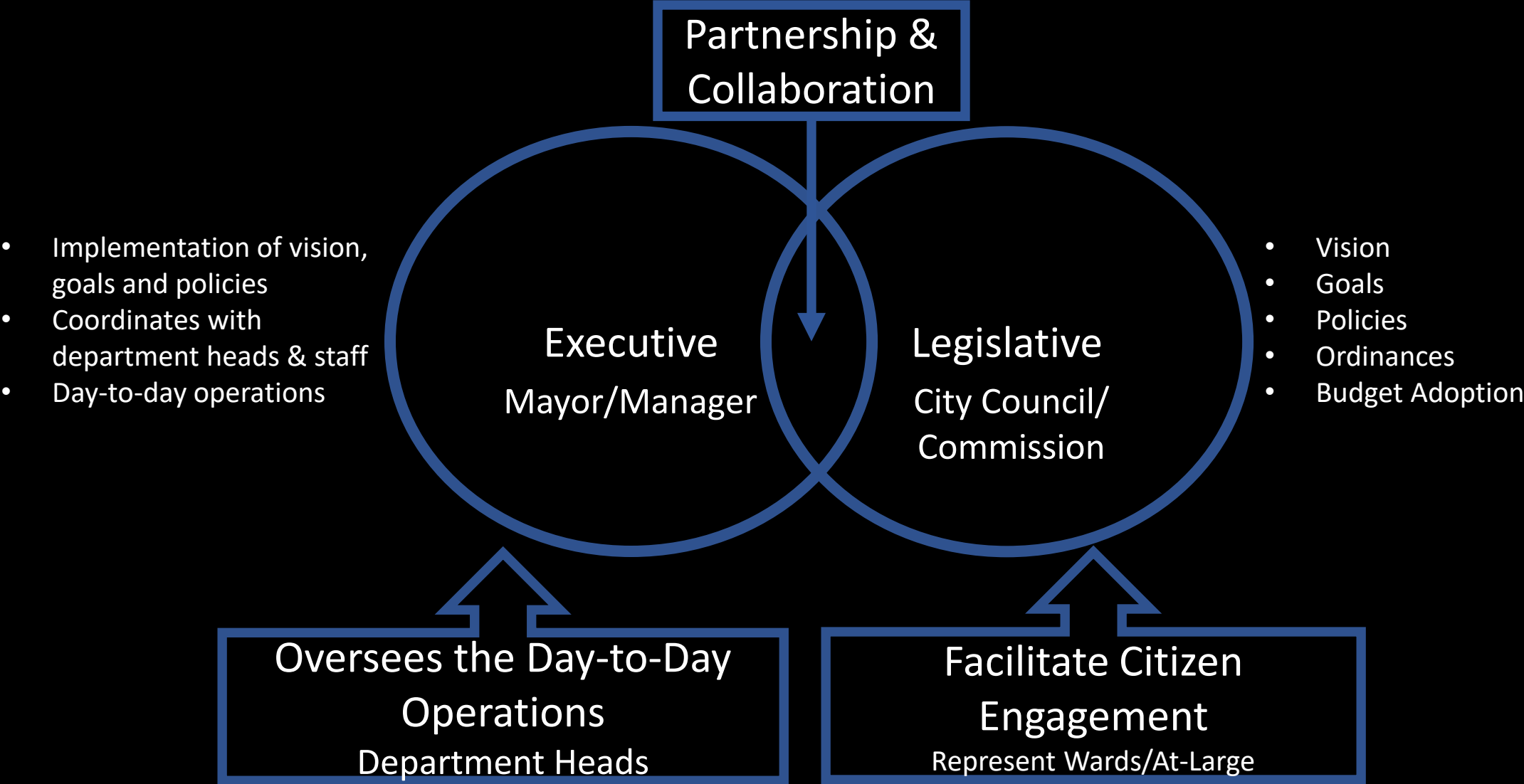
- Commission – Executive (Council – Mayor)
- Commission - Manager
- Commission (County Elected Officials Form)
- Commission – Presiding Officer
- Town Meeting
- Charter

Plan

- Statutory Basis or “Recipe”



Roles and Responsibilities



Statutory Responsibilities of the **Commission/Council**

Commission-Executive Form of Government
General Governing Powers

What *power* does and individual council member have?

A collection of light bulbs, with one in the center glowing brightly, symbolizing an idea or a key concept.

A vote - during a legal meeting. The council acts as a body, not individually.



Legislative Powers of Municipal Government

(7-1-4122 MCA)

A municipality with general powers has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

- (1) preserve peace and order and secure freedom from dangerous or noxious activities;
- (2) secure and promote the general public health and welfare;
- (3) provide any service or perform any function authorized or required by state law;
- (4) exercise any power granted by state law;
- (5) subject to 15-10-420, levy any tax authorized by state law for public or governmental purposes as described in 7-6-2527;
- (6) appropriate public funds;
- (7) impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
- (8) grant franchises; and
- (9) provide for its own organization and the management of its affairs.

7-1-4121. General definitions

"Executive branch" means that part of the municipality, including departments, offices, and boards, charged with implementing actions approved and administering policies adopted by the governing body of the local government or performing the duties required by law.

"Governing body" means the commission or town meeting legislative body established in the alternative form of local government.

"Ordinance" means an act that is adopted and approved by a municipality and that has effect only within the jurisdiction of the local government.

"Resolution" means a statement of policy by the governing body or an order by the governing body that a specific action be taken.

Role of the Council/Commission

- **7-3-213. Supervision of personnel.**

- The mayor appoints, **with the consent of a majority of the commission**, all department heads and remove department heads and may appoint and remove all other department employees

- **7-3-215. Preparation of budget.**

- The mayor prepares the budget in **consultation** with the **commission and department heads**.

Collaboration

- **7-3-216. Administrative supervision and control.**

- The mayor exercises control and supervision of all departments and boards **to the degree authorized by ordinance of the commission**

Check

- **7-3-214. Veto power.**

- The mayor may veto ordinances and resolutions, **subject to override by a two-thirds vote of the commission**

Balance

7-4-4112. Filling of vacancy.

Pending an election and qualification, **the council shall**, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified.

7-4-4403. Officers of city or town council.

The council may elect a president who, in the absence of the mayor, is the presiding officer and may perform the duties of mayor. In the absence of the president, the council may appoint one of its number to act in the president's place.

7-4-4201. Salary of officers.

- The **council** shall determine by **ordinance** or **resolution** the salaries and compensation of elected and appointed city officers and all city employees.

7-5-4103. Council rules and discipline.

The council may determine the rules of its proceedings, **punish its members** for improper conduct, **and expel any member** for the same by a two-thirds vote of the members elected.



7-5-4110. Compensation and duties of city employees.

The **city or town council** has **power** to fix the **compensation** and to **prescribe the duties** of all employees of the city or town, subject to the limitations mentioned in this code.



Statutory Responsibilities of the **Mayor or Chief Executive**

Commission-Executive Form of Government
General Governing Powers

7-4-4303. Powers of mayor related to municipal officers, personnel, and citizens.

The mayor has power to:

- (1) **nominate** and, **with the consent of the council**, appoint all **nonelective officers** of the city or town **provided for by the council**, except as provided in this title;
- (2) **suspend** and, **with the consent of the council**, remove any **nonelective officer**, stating in the suspension or removal the cause for the removal;
- (3) **supervise the discharge of official duty by all subordinate officers**;
- (4) require of any of the officers of a city or town an exhibit of the officer's books and papers;
- (5) request that the governor call out the militia to aid the mayor in suppressing riots or other disorderly conduct, preventing and extinguishing fires, securing the peace and safety of the city or town, or **carrying into effect any law or ordinance**.



7-5-4102. Powers and duties of mayor related to administration and executive function.

- (1) The mayor may:
 - a) communicate to the council, at the beginning of each session and more often if considered necessary, a statement of the affairs of the city or town, with recommendations that the mayor considers proper;
 - b) recommend to the council measures connected with the public health, cleanliness, and ornament of the city or town and the improvement of the government and finances that the mayor considers expedient;
 - c) call special meetings of the council;
 - d) cause to be presented, once in 3 months, a full statement of the financial condition of the city or town;
 - e) bid for the city or town on any property sold at a tax or judicial sale whenever the city or town is an interested party;
 - f) procure and have in the mayor's custody the seal of the city or town;
 - g) take and administer oaths;
 - h) perform other duties that may be prescribed by law or by resolution or ordinance of the council.
- (2) The mayor is the presiding officer of the council and shall sign the journals of the council and all warrants on the city treasury and decide all ties by vote. The mayor has no other vote.

7-3-203. Duties of executive.

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

7-5-4201. Municipal ordinances.

7-5-4201. Municipal ordinances.

All ordinances, bylaws, and resolutions must be **passed by the council and approved by the mayor** or the person acting in the mayor's stead

Statutory Basis for Municipal Clerk

- 7-4-4501. Duties of **city** clerk related to administration.
 - 7-4-4502. Duties of **city** clerk related to **city** records and papers.
 - 7-4-4503. **City** ordinance book.
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- 7-4-4511. Duties of **town** clerk related to administration.
 - 7-4-4512. Duties of **town** clerk related to **town** records and papers.
 - 7-4-4513. **Town** ordinance book.

7-4-4501. Duties of **city clerk** related to administration

(1) attend all meetings of the council and record and sign the proceedings thereof and all ordinances, bylaws, resolutions, and contracts passed, adopted, or entered into;

(2) enter in a **book** all ordinances, resolutions, and bylaws passed and adopted by the council;

(3) **countersign** and cause to be **published or posted**, as provided by law, all ordinances, bylaws, or resolutions passed and adopted by the council;

(4) sign, number, and keep a record of all licenses, commissions, or permits granted or authorized by the council;

(5) take and administer oaths, but must not charge or receive any fees therefor;

(6) perform such other and further duties as the council may prescribe.

7-4-4511. Duties of **town clerk** related to administration.

- (1) attend all meetings of the council and record and sign the proceedings thereof and all ordinances, bylaws, resolutions, and contracts passed, adopted, or entered into;
- (2) enter in a **book** all ordinances, resolutions, and bylaws passed and adopted by the council;
- (3) **countersign** and cause to be **published or posted**, as provided by law, all ordinances, bylaws, or resolutions passed and adopted by the council;
- (4) sign, number, and keep a record of all licenses, commissions, or **permits** granted or authorized by the council;

7-4-4502. Duties of city clerk related to city records and papers.

(1) file and keep **all** records, books, papers, or property belonging to the city or town and deliver the documents or property to the clerk's successor when qualified;

(2) make and certify copies of **all** records, books, and papers in the clerk's possession on the payment of fees that are allowed county clerks, which must be paid into the city treasury;

(3) make and keep **a complete index** of the journal, ordinance book, finance book, and all other books and papers on file in the clerk's office.

7-4-4512. Duties of town clerk related to town records and papers.

The town clerk shall file and keep all records, books, papers, or property belonging to the town and to deliver the documents or property to a successor when qualified.

2-6-1002. Definitions. As used in this chapter, the following definitions apply:

(14) "Records manager" means an individual designated by a public agency to be responsible for coordinating the efficient and effective management of the agency's public records and information.

City Attorney

- + Provides the city with legal advice
- + Evaluates/determines powers and authority
- + Ensures decisions are “constitutional”
- + The city is the city attorney’s client
 - Not just the Council or Mayor



Qualifications for city attorney

Qualifications for city attorney

- To be appointed, the city attorney shall be a person who has been licensed to practice as an attorney in this state **7-(4-4601 MCA)**.

Appointment – term of office

- The city attorney must be appointed by the **mayor**, subject to **approval by the city council**.
- The city attorney shall hold office for 2 years unless suspended or removed as provided by law **(7-4-4602CA)**.

Duties of City Attorney

The city attorney shall:

- Appear before the city court and other courts and prosecute on behalf of the city;
- Serve upon the attorney general within 10 days of the filing or receipt a copy of any notice of appeal that the city attorney files or receives in a criminal proceeding;
- When required, **draft** for the city council **contracts** and **ordinances** for the government of the city;
- When required, give to the mayor or city council **written opinions** on questions pertaining to the **duties and the rights, liabilities, and powers of the city**; and
- Perform other duties that pertain to the functions of the city council or that the city council prescribes by resolution.

Legal services for city of third class

- A third class city may retain the county attorney to provide legal services for the city in cases not involving a conflict between the interests of the city and the county, either by an interlocal cooperation agreement or by mutual consent by the governing bodies of the city and county.

Judicial Branch

3-11-101. City court established – city court of record. (1)

- + A city court is established in each city or town.
- + A city judge shall establish regular sessions of the court

3-11-201. Number of judges – term of office.

- + The governing body of a city may determine by ordinance the number of judges required to operate the city court.
- + An elected or appointed city judge shall hold office for a term of 4 years and until the qualification of a successor.
- + A justice of the peace designated to act as city judge for a city or town under 3-11-205 shall serve as city judge for the duration of the justice of the peace's term as justice of the peace or until the agreement provided for in 3-11-205 terminates.

THANK YOU!!

Please contact me with any questions:

Dan Clark

Local Government Center

Montana State University

(406)994-7756

daniel.clark@montana.edu

<http://msulocalgov.org>



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