Chapter 2.08 City Council - Legislative Branch

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2.08.010 Legislative Branch

The legislative branch must consist of the City Council which must be the governing body of the City.

Enc Ord 367 March 18, 1993, Charter 2.01, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.020 Composition

The City of Dillon must have a City Council of eight (8) members, two (2) of whom must be elected from each of four (4) wards.

Enc Ord 367 March 18, 1993, Charter 2.02, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.030 Qualifications for Office

Residents of the City of Dillon who are eighteen (18) years of age or older and citizens of Montana and residents of the City of Dillon are eligible to hold office of Council member for the ward in which they reside.

Enc Ord 367 March 18, 1993, Charter 2.03, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.040 Term of Office

Members of the Council must be elected for four (4) year overlapping terms of office.

Enc Ord 367 March 18, 1993, Charter 2.04, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.050 Election

City of Dillon elections must be conducted on a non-partisan basis. Council members must be elected by wards in which the candidates must reside and which are apportioned by population. One (1) Council member from each ward must be elected every two (2) years.

Enc Ord 367 March 18, 1993, Charter 2.05, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.055 Apportionment of Wards

Following each Federal decennial census, the City Council must cause the City to be divided into four (4) wards, as compact and equal in population as possible.

Charter 2.06, Enc Ord 456 February 7, 2018

2.08.060 Meetings – Quorum - Attendance

The Council must have regular meetings the first and third Wednesday of each month, at such hour as may be determined upon by resolution from time to time, for the transaction of business pertaining to the City and its business affairs. A majority of the Council must constitute a quorum for transaction of business, but a smaller number may adjourn and may compel the attendance of absent members by sending the Chief of Police or a City police officer to deliver notice that attendance is required. If members of the Council, on being so notified, fail to attend or send a good, written excuse, such Councilpersons must be fined by the Mayor, President of the Council, or other presiding officer a sum not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00).

Enc Ord 367 March 18, 1993, Charter 2.15 (part), Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.070 Powers and Duties

The Council must have the following powers:

1. The Council must be the legislative and policy determining body of the City of Dillon. All powers of the City must be vested in the City Council except as otherwise provided by law or the Charter, and the Council must provide for exercise thereof and for performance of all duties and obligations imposed on the City by law.
2. Neither the Council, nor the Council members must in any manner dictate the appointment or removal of any City officers or employees whom the Mayor or any subordinates are empowered to appoint.
3. Except for the purposes of inquiry or investigation under this title, the Council or its members must deal with the local government employees who are subject to the direction and supervision of the Mayor solely through the Mayor; and neither the Council nor its members may give orders to any such employee, either publicly or privately.

Enc Ord 367 March 18, 1993, Charter 2.11, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.075 Order of Business

Upon being called to order, and the appearance of a quorum, the Council must conduct meetings in accordance with Roberts Revised Rules of Order and proceed to business in the following order:

1. First, reading, amending and approving the minutes of the previous meeting. A draft of the minutes of the previous meeting must be available to the Council members in packets distributed prior to the upcoming regular Council meeting.
2. Second, presentation of petitions and communications;
3. Third, reports of officers;
4. Fourth, reports of standing committees;
5. Fifth, reports of special committees;
6. Action may not be taken on items not on the agenda, provided, however, that the Council must have full right to act in cases of emergency.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 413 December 21, 2005, Amended Ord 456 February 7, 2018

2.08.080 Priority of Business

Questions relating to priority of business must be decided without debate.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.085 Record of Proceedings

The Council must keep true and correct records of proceedings; must by resolution establish its own rules of procedure, subject to the Charter, State laws and the Dillon Municipal Code; must have full power to protect itself from interruptions and disturbances and must not permit anyone not a member of the Council or a city officer to take part in its deliberations except upon special permission first granted.

Enc Ord 367 March 18, 1993, Charter 2.15 (part), Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.090 Chief of Police Attendance

The Chief of Police must at all times, unless excused, attend regular sessions of the Council.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.095 Special Sessions

The Council may be convened in special sessions by request of the Mayor, or by request of two Council members, or the President of the Council, in the absence of the Mayor or his/her inability to act and in case of the absence or inability to act, and in case of the absence or inability to act of both officials, then by the City Clerk. At such special sessions, the officer calling the meeting must state the object of the meeting and no other subject must be considered at such meeting. The Council may from time to time adjourn regular or special sessions until all business has been transacted.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.100 Council President

The Council must have a president who must be elected in January of each even year to a two year term by members of the Council from their own number. The president of the Council must preside when the Mayor is absent, and when so presiding, may only vote as other members of the Council.

Enc Ord 367 March 18, 1993, Charter 2.07, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.110 Temporary Presiding Officer

In the absence or inability of both the Mayor and President to act, the Council must select its presiding officer.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.120 Office Vacancies

The office of Council members becomes vacant as prescribed by law.

Enc Ord 367 March 18, 1993, Charter 2.08, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.130 Removal from Office

A Council member may be removed from office by a finding, adopted by the affirmative voice vote of five (5) Council members that the office has become vacant as prescribed by law or by recall of the Council member by the electors of Dillon as prescribed by law.

Enc Ord 367 March 18, 1993, Charter 2.09, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.140 Filling Council Vacancies

When a vacancy occurs in the office of Council member, the position must be considered open and subject to nomination and election at the next general municipal election. The term of office must be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification, the Council must appoint, by the affirmative voice vote of five (5) Council members, a person possessing the qualifications for office required by law and the City Charter, within thirty (30) days of the vacancy to hold the office until a successor is elected and qualified.

Enc Ord 367 March 18, 1993, Charter 2.10, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.145 Council Restrictions

Except where authorized by law, no Council member must hold any other City office or city employment for compensation.

Enc Ord 367 March 18, 1993, Charter 2.13, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.147 Legislative Action

An affirmative vote of four (4) Council members must be required for all official actions of the Council. A minimum of five (5) Council members must be present when official actions are taken by the Council. The Council may override the Mayor’s veto with an affirmative vote of six (6) Council members.

Enc Ord 367 March 18, 1993, Charter 2.14, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.150 Council Standing Committee Appointments

Upon organization of the City Council on the first Wednesday of January of each even year, or thereafter, the President of the Council must nominate Council members with advice and consent of the Council to the following standing committees: Finance, Judiciary, Street and Alley, City Hall, Health and Welfare, Parks and Recreation, Fire and Order, Water and Sewer, and Cemetery. Each of said committees must consist of three Council members.

Enc Ord 367 March 18, 1993, Charter 2.12 (part), Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.160 Finance Committee-Duties

It must be the duty of the Finance committee to examine monthly or more often, if deemed best by the committee or the Council, reports, accounts, books, papers, and statements of City officers; to check and ascertain correctness of reports, books, and accounts of City officers and to make proper endorsements on such reports, accounts and books of City officers; to have general supervision of the finances of the City and to report all of their proceedings to the Council.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.170 Judiciary Committee-Duties

It must be the duty of the Judiciary committee to suggest to the City Council additional ordinances and also it must be the duty of this committee to see that all ordinances are enforced.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.180 Health and Welfare Committee-Duties

It is the duty of the Health and Welfare Committee in conjunction with an administrative committee and the City Attorney to see that nuisances dangerous to health and obnoxious to the senses be removed and abated. The local board of health for the City of Dillon must be the properly formed City-County Health Board with one member of the Health and Welfare Committee and the Mayor being appointed members of said board with terms set by the board’s by-laws.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 20, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.190 Street and Alley Committee-Duties

It must be the duty of the Street and Alley Committee to investigate and see that streets, alleys and public places are kept in good condition and repair; to see that streets, alleys and public places are kept free from rubbish and combustible materials and materials dangerous to health; to assist in the purchase of supplies and materials for the streets and to assist the administration in construction and maintenance of City streets and alleys.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.195 City Hall Committee-Duties

The City Hall Committee of the City Council must be responsible for performing the following duties: receive reports and review maintenance and operation of the City Hall facilities. This includes approval of expenditures for repair and maintenance.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.205 Fire and Order Committee-Duties

It must be the duty of the Fire and Order Committee to see that ordinances relating to fire limits and construction and repair of buildings must be completed as provided by ordinance; to see that streets, alleys, private and public places are kept free of combustible materials, such as would be dangerous, on account of fire, to see that ordinances relating to the peace and quiet of the City are enforced, and that the latest edition of the International Fire Code is enforced.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.210 Water and Sewer Committee-Duties

It must be the duty of the Water and Sewer Committee to generally assist and advise the administration regarding the waterworks system and the wastewater system of the City.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord. 436 November 13, 2013; Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.212 Cemetery Committee-Duties

It must be the duty of the committee to generally assist and advise the administration regarding the cemetery of the City. The committee must maintain a general overview of the Cemetery Perpetual Fund. The committee must tour the cemetery once a year and identify and evaluate short and long term goals for improvements at the Cemetery with the assistance of the administration. The committee must inventory and evaluate the need for equipment repairs and replacement. Each budget period specific projects may be selected to be accomplished during the current budget period. The Committee may seek funding from other resources that may be available.

Enc Ord 395 July 1, 1998, Amended Ord 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.217 Parks and Playgrounds Committee-Duties

The Parks and Playgrounds Committee must tour the parks once a year and must identify and evaluate short and long term goals for improvements to the parks with the assistance of the administration. The committee must inventory and evaluate the need for equipment repairs, and replacement. Each budget period projects may be selected to be accomplished during the current budget period. The committee may seek funding from other resources that may be available. Parks are used by organized groups and by individuals. A program to handle requests for single day use and long term seasonal use by groups may be developed with written specific duties and expectations given to such park users.

Enc Ord 395 July 1, 1998, Enc Ord 436 November 13, 2013, Amended Ord. 442 May 20, 2015, Amended Ord 456 February 7, 2018

2.08.220 Other Committees

Other standing committees may be appointed by the Mayor upon direction of the Council. There may also be such special committees appointed as the Council may desire and appointed in the manner the Council may direct; provided that none of the forgoing provisions of this chapter must be construed as relating to special committees.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.08.230 Compensation of Council

Compensation of Council members must be set annually by the Council at budget time.

Enc Ord 367 March 18, 1993, Charter 2.16, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018