

RESOLUTION NO. 366

**A RESOLUTION ESTABLISHING THE ROLES AND RESPONSIBILITIES OF THE MAYOR AND THE COUNCIL IN THE CREATION OF NEW JOB POSITIONS, NEW POSITION DESCRIPTIONS AND THE MODIFICATION OF EXISTING POSITION DESCRIPTIONS**

**WHEREAS**, it is the role and responsibility of the Council to approve the budget, and all claims presented by the Treasurer; and

**WHEREAS**, it is the role and responsibility of the Council as the legislative body to approve all ordinances and resolutions; and (ref. exhibit 2.102)

**WHEREAS**, it is the role and responsibility of the Mayor as the Chief Executive Officer to supervise all employees of the Town; and (ref. exhibit 2.101)

**WHEREAS**, it is the role and responsibility of the Mayor to create all new positions and working with the department head create new position descriptions, and with Council consent of the position and description, hire and supervise those positions; and

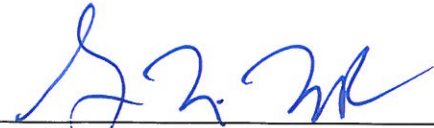
**WHEREAS**, it is the role and responsibility of the Mayor working with the department head and or the employee to review and modify as needed all position descriptions at the annual review for each position; and

**WHEREAS**, if such review results in a fiscal impact to the budget, the Mayor shall submit the modified position description for Council consent; and

**NOW THEREFORE BE IT RESOLVED**, that each party shall be responsible to the other for the execution of this policy resolution

**PASSED AND ADOPTED** by the Town of Stevensville, Montana this 12<sup>th</sup> day of March, 2015.

**ATTEST:**

  
\_\_\_\_\_  
Gene Mim Mack, Mayor

  
\_\_\_\_\_  
Stacy Bartlett, Town Clerk

council can finally approve the budget for execution by the executive branch (7-3-203(10), MCA).

## 2.102 The Council [Commission]

In all forms of municipal government in Montana the *council* (which may be called the *commission*) is the governing body. The term commission is often used in commission-manager form of municipal government, whereas the term council is commonly used to refer to the governing body in the council-mayor form of government. The two terms are interchangeable.

**Legislative powers.** All local legislative powers are vested by law in the governing body (7-1-4122, MCA) and specifically include the legislative power, subject to state law, to adopt, amend and repeal ordinances and resolutions required to: (7-1-4123, MCA)

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. Levy any tax, subject to the limits imposed by 15-10-420, authorized by state law for public or governmental purposes as described in 7-6-2527, MCA ;
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.

**Quorum required.** All of the powers indicated above and any other power exercised by the governing body may only be exercised by the *affirmative vote of a majority of the council members physically present in a lawful meeting of the council comprised of no less than a quorum (majority) of the whole number of council members*. A city or town council of four members requires the physical presence of at least three of its members (not including the mayor) to constitute a quorum. In turn, that quorum of three must deliver at least a majority of two affirmative votes to adopt any measure. (Some measures require a super majority for adoption.) If the entire council of four members is present, a majority of three votes would be required to adopt a measure.

**Voting is council member's governing power.** Upon reflection, a prudent council member will realize that the only governing power he or she possesses is the power to vote on issues before the commission. A vote for or against a measure is the extent of an individual council member's governing power.

**President of the council.** The council is enabled by law to elect from among its number an individual member to serve as presiding officer of the council *in the absence of the mayor* (7-4-4403 and 7-3-220, MCA). This position is commonly referred to as the *president of the council*. The individual retains all of the voting rights of a council member and does not assume any other responsibility of the mayor.

**Legislative committees.** Although not required by law, most municipal councils in the council-mayor form of government establish working committees comprised of some number of

## 2.1

## ROLES AND RESPONSIBILITIES

## 2.101 The Chief Executive

**Mayor is chief executive.** In the commission-executive (council-mayor) and commission-chairman form of municipal government, the *mayor is the chief executive* as a matter of law or as provided in the locally adopted charter. In the Commission-manager form of municipal government the *city manager is the chief executive officer and the mayor serves primarily as the presiding officer of the commission* with some ceremonial responsibilities.

**Duties of the mayor.** The primary duties of the mayor as the chief-executive officer of the city or town government are detailed at 7-3-203, 7-4-4303 and 7-5-4102, MCA *unless otherwise altered by a locally adopted charter*. Foremost among these duties of the mayor is the duty to *enforce state laws and the ordinances and resolutions* adopted by the council. In meeting this responsibility the mayor is empowered to administer the affairs of the government and supervise all departments and all employees of the city or town. In this regard, it is important to note that in most council-mayor governments the mayor is required to obtain council approval to hire the department heads. However, the mayor has the authority to terminate *for just cause* all non-elected employees of the government, including department heads, and *to do so without reference to the council* (7-3-213(3) and 7-3-113(1)(e), MCA).

**Presiding officer of council.** In most municipal governments the mayor serves as the presiding officer of the council but the *mayor is not a member of the council and may not be counted among the number necessary to make a quorum*. As the presiding officer of the council the mayor usually prepares the meeting agenda with the assistance of the clerk. The mayor may take part in the discussions of the council but must take care that established council procedures are followed and that each member of the council is treated fairly and with the respect due an elected representative of the community. *The mayor may not vote as other council members but may vote only to break a tie vote of the council*. As presiding officer the mayor must ensure that members of the public who appear before the council are accorded a reasonable opportunity to present their views and are treated with respect.

**Mayor's veto authority.** Although seldom used, the mayor's authority to veto ordinances and resolutions is an important check and balance in the council-mayor form of municipal government. (The veto is not available to the mayor in the commission-manager form of government.) To exercise veto authority the *mayor must submit in writing his veto and all objections to the pending ordinance or resolution to the council at the next regular meeting*. The council may only *override the mayor's veto of a measure by a two thirds vote of the whole number of council members*. If the council fails to override the veto, the ordinance or resolution *must not go into effect* (7-3-214(2), 7-3-113(1)(f) and 7-5-4206, MCA).

**Budget preparation.** In most council-mayor forms of municipal government the mayor, with assistance from the clerk-treasurer, has the lead role in assembling the annual budget. However, the relevant statute requires that the mayor prepare the budget "*... in consultation with the commission and departments heads*" (7-3-215(2), MCA and 7-3-113(1)(g), MCA). More often than not, a committee of council members serves as the council's working participants in the budgeting process. Although the assembly of budget details is usually accomplished by the executive branch (primarily the clerk) for the mayor's approval, *only the*