

TITLE 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.00

ELECTIVE AND APPOINTIVE OFFICERS

Sections:

2.00.010 Elective and Appointive Officers

2.00.020 Qualifications

2.00.010 Elective and Appointive Officers. The officers of the town shall consist of elective officers and appointive officers. The elective officers shall be: one (1) Mayor and three(3) Alderperson from Ward One, as provided by law; the appointive officers may be: one (1) Town Clerk-Treasurer, one (1) City Judge, one (1) Town Attorney and such other officers as the council may from time to time create or authorize or as may be allowed by law and authorized by the council.

(Ord. 122, 2019)

2.00.020 Qualifications. All elective and appointive officers shall possess the qualifications provided by law and the council shall have the power, at any time, to abolish any office, the appointment to which is made by the mayor, with the advice and consent of the council, and to discharge, at any time, any officer so appointed by a majority vote of the council; and it may consolidate any office, the appointment to which is made by the mayor, with the advice and consent of the council, and may require any elective or appointive officer to perform any duties of any officer whose office has been abolished , or the duties of any other office now or hereafter created.

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Chapter 2.02

SALARIES AND BONDS

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2.02.010 Salaries

2.02.020 Bonding of Officers

2.02.010 Salaries. The salaries of the officers and employees of the town shall be set annually by resolution or ordinance of the town council.

2.02.020 Bonding of Officers. The Town Clerk-Treasurer and any or all other town officers shall be included in a Blanket Bond for all officers of the town, for the faithful performance of their duties; said Bond to be executed by a duly authorized surety company, the premiums thereon to be paid by the town

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Chapter 2.04

TOWN COUNCIL

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2.04.070	Meeting Called to Order
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2.04.090	Voting; Majority Elects
2.04.100	Rules of Order
2.04.110	Powers of the Council

2.04.010 Time of Meetings. The council shall hold its regular meetings for the transaction of municipal business on the second Monday after the first Monday in each month, and such other meetings to which the council may be adjourned or which may be called. Special meetings may be called by the mayor, or at the request of both members of the council, at any time by the clerk on request, after giving reasonable notice thereof in writing to both members of the council.

All meetings shall be held in a place provided therefor by the council.

2.04.020 Standing Committees. At the first regular meeting of the council after the first Monday in January of each year, the mayor shall appoint committees for the ensuing year as follows:

1. Committee on Sewer and Water
2. Committee on Streets.
3. Committee on Fire.
4. Committee on Police and Public Safety
5. Committee on Community Development

2.04.030 Special Committees. The mayor may appoint such special committees as deemed necessary for the efficient operation of the town

2.04.040 Duties of Committees.

- A. To the Committee on Sewer and Water shall be referred all matters relating to the water and sewage plants of the town, mains and facilities, both public and private.
- B. To the Committee on Streets shall be referred all matters relating to the streets and alleys of the town; their condition and construction.
- C. To the Committee on Fire shall be referred all matters relating to the volunteer Fire department and fire prevention within the town.
- D. To the Committee on Police and Public Safety shall be referred all matters relating to police protection and crime prevention within the town.
- E. To the Committee on Community Development shall be referred all matters relating to

the growth and expansion of the town.

2.04.050 Quorum. The presence of the mayor and two members or three (3) members of the council shall constitute a quorum for the transaction of business; but, should state law require all council members to be present, the mayor may compel the attendance of absent members under such rules and penalties as the council may prescribe.

(Ord. 122, 2019)

2.04.060 President of the Council. At the first meeting succeeding the annual election, the council shall elect one of its members as President of the Council who, in the absence of the mayor, is the presiding officer and may perform the duties of mayor.

2.04.070 Meeting Called to Order. The council shall convene and be called to order by the mayor, or in his absence, by the president of the council, at 7:00 p.m. on the days designated for said meetings and the clerk shall proceed to call the roll and record in the minutes the names of all members present and announce whether or not a quorum is present.

(Ord. 122, 2019)

2.04.080 Order of Business. At all meetings of the council the order of business shall be as follows:

1. Minutes, reading and correcting, if necessary, and approving minutes of last regular meeting and minutes of special or intervening meetings
2. Reports of Officers.
3. Reports of Standing Committees.
4. Reports of Special Committees.
5. Presentation of Petitions and Communications.
6. Unfinished Business.
7. New Business.

For good cause the mayor may, upon motion and majority vote, change the order of business.

2.04.090 Voting; Majority Elects. The Ayes and Nays must be called and recorded on the final passage of any ordinance, bill or resolution or making of any contract and the voting on the election or appointment of an officer must be viva voce and the majority of the whole number of members elected is requisite to appoint or elect an officer and such vote must be recorded.

2.04.100 Rules of Order. The proceedings of the council shall in all cases be governed by Robert 's Rules of Order so far as the same are applicable.

2.04.110 Powers of the Council. The council shall have the power to make and pass all bylaws, ordinances, orders and resolutions not repugnant to the Constitution of the United States or of the state of Montana, necessary for the government or management of the affairs of the town, and they shall have such other powers enumerated by the state statutes.

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Chapter 2.06

MAYOR

Sections:

2.06.010	Qualifications
2.06.020	Mayor to be Chief Executive Officer
2.06.030	Powers
2.06.040	Mayor to Act as President of Council
2.06.050	In the Absence of the Mayor
2.06.060	Mayor to Appoint Officers

2.06.010 Qualifications. No person shall be eligible for the office of mayor unless such person be a citizen of the United States and a resident of the city or area which has been annexed by the town for a period of two (2) years next preceding his election. He shall reside in the town during his term of office.

2.06.020 Mayor to be Chief Executive Officer. The mayor shall be the chief executive officer of the town and shall see that all ordinances of the town are duly respected, observed and enforced within the town limits.

2.06.030 Powers. The mayor shall have power:

- A. To nominate, and, with the consent of the council, to appoint all non-elective officers of the town, provided for by the council, except as provided in this title.
- B. To suspend, and, with the consent of the council, to remove any non-elective officer, stating in the suspension or removal the cause thereof.
- C. To cause the ordinances of the town to be executed, and to supervise the discharge of official duty by all subordinate officers.
- D. To communicate to the council, at the beginning of every session, and oftener if deemed necessary, a statement of the affairs of the town, with such recommendations as he may deem proper.
- E. To recommend to the council such measures connected with the public health, cleanliness and ornament of the town and the improvement of the government and finances as he deems expedient.
- F. To approve all ordinances and resolutions of the council adopted by it, and, in case the same do not meet his approbation, to return the same to the next regular meeting of the council, with his objections in writing, and no ordinance or resolution so vetoed by the mayor must go into effect unless the same be afterwards passed by a two-thirds (2/3) vote of the whole number of members of the council.
- G. To veto any objectionable part of a resolution or ordinance, and approve the other parts. If the mayor fails to return any resolution or ordinance as aforesaid, the same takes effect without further action.
- H. To call special meetings of the council, and when so called he must state by message the object of the meeting and the business of the meeting must be restricted to the object stated.
- I. To cause to be presented, annually, a full and complete statement of the financial condition of the tow

- J. To bid in for the town any property sold at a tax judicial sale where the town is a party or interested.
- K. To take and administer oaths.
- L. To call on every male citizen of the town, over the age of eighteen (18) years, to aid in the enforcement of the laws and ordinances in case of riots; and any person who does not obey such call forfeits to the town a fine not exceeding twenty-five dollars (\$25.00).
- M. To require of any of the officers of the town an exhibit of their books and papers.
- N. To grant pardons and remit fines and forfeitures for offenses against town ordinances, when in his judgment public justice would be thereby subserved; but he must report all pardons granted, with the reasons therefor, to the next council.
- O. To perform such other duties as may be prescribed by law or by resolution or ordinance of the council

2.06.040 Mayor to Act as President of Council. He shall be present at the meetings of the council and shall act as the president thereof, and when there is a tie upon any question before the council he shall give the casting vote; he shall have power to veto any resolution or ordinance or any part thereof; he shall sign all warrants on the town treasury and all permits or permissions granted by the council, and all contracts made by and on behalf of the town with any other party.

2.06.050 In the Absence of the Mayor. In the absence of the mayor from the town or from his inability from any cause to discharge the duties of his office, the president of the council shall exercise all the powers and discharge all the duties of the mayor. The president of the council while performing the duties of the mayor shall be styled the Acting Mayor. Any acting mayor performing the duties of the mayor shall be entitled to the salary of the mayor.

2.06.060 Mayor to Appoint Officers. He shall at the first meeting of the council after the election each year, and from time to time thereafter, appoint, subject to confirmation of the council, all necessary officers of the town and he shall in like manner appoint any other officers whose office is created by ordinance.

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Chapter 2.08

CLERK-TREASURER

Sections:

2.08.010 Appointment
2.08.020 Duties

2.08.010 Appointment. The mayor shall, subject to the advice and consent of the council, appoint a Clerk-Treasurer who shall hold office for the duration of his appointment or until his successor is appointed and qualified.

2.08.020 Duties. It shall be the duty of the town clerk-treasurer:

- A. To receive all moneys that come to the town, either from taxation or otherwise and to pay the same out of the warrant of the mayor, countersigned by the clerk, drawn in accordance with law.
- B. To perform such duties in the collection of taxes, licenses or assessments as are or may be prescribed by law or ordinance.
- C. To present at the regular meeting of each month to the council a full and detailed statement of the amounts of money belonging to the town, received by him and by him disbursed during the preceding month and the state of each particular fund, which statement must be verified by his oath.
- D. To keep the books and accounts of the town in such manner as to correctly present the condition of the finances thereof which must always be open to the inspection of the mayor, council or any member thereof.
- E. To keep a separate account of each fund or appropriation and the debits and credits thereof.
- F. To give every person paying to him money as town clerk, a receipt therefor, specifying the date of payment, the amount and for what paid.
- G. To have in her custody the seal of the town.
- H. To render at any time an account to the council, showing the money on hand and the condition of the treasury.
- I. To keep a register of all warrants paid, which must show the date, amount and number and the person to whom and the fund from which the same was paid.
- J. To annually make out and submit to the town council within sixty (60) days of the end of the fiscal year, a detailed account of all receipts and expenditures during the past fiscal year and an abstract thereof must be published in the official newspaper, or posted in the office of the town council.
- K. To pay out, in the order which they are registered, all warrants presented for payment when there are funds in the treasury to pay the same.
- L. To deposit all public moneys in his possession and under his control, excepting such as may be required for current business, in any solvent bank or banks located in such town, subject to national supervision or state examination, as the council shall designate, and no other.

- M. To attend all meetings of the council, to record and sign the proceedings thereof and all ordinances, bylaws, resolutions and contracts passed, adopted or entered into, and to sign, number and keep a record of all licenses, commissions or permits granted or authorized by the council.
- N. To record all ordinances, resolutions and bylaws passed and adopted by the council.
- O. To enter in a book kept for that purpose the date, amount, the person in whose favor and for what purpose warrants are drawn upon the town treasury.
- P. To countersign and cause to be published or posted, as provided by law, all ordinances, bylaws or resolutions passed and adopted by the council.
- Q. To file and keep all records, books, papers or property belonging to the town and to deliver the same to his successor when qualified.
- R. Prepare and process financial statements as required by Montana Law.
- S. Town clerk to be treasurer. Any reference to a town treasurer in this Code shall mean the town clerk.
- T. Perform such other duties as the town council may prescribe.

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Chapter 2.10

FIRE CHIEF

Sections:

- 2.10.010 Appointment
- 2.10.020 Duties

2.10.010 Appointment. The mayor, subject to the consent and approval of the council, shall appoint a Chief of the Fire Department who shall hold office for the duration of his appointment or until his successor is appointed and qualified.

2.10.020 Duties. The Chief of the Fire Department shall have command and control over all persons connected with the town Fire Department. He shall have charge of and be responsible for the engines and other apparatus, the property of the town furnished the Fire Department, and see that they are at all times ready for use in the extinguishing of fires. The Assistant Chief shall aid the Chief in the work of the Department and in his absence, shall perform his duties.

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Chapter 2.12

VOLUNTEER FIRE DEPARTMENT

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2.12.010	Creation
2.12.020	Department Rules and Regulations
2.12.030	Membership
2.12.040	Officers
2.12.050	Secretary
2.12.060	Treasurer
2.12.070	Duties of Members
2.12.080	Meetings

2.12.010 Creation. There is hereby created a volunteer fire department for the town, whose purpose is to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety and to answer all emergency calls for which there is no other established agency.

2.12.020 Department Rules and Regulations. The volunteer fire department shall be governed by the rules and regulations established and prescribed by the laws of the state of Montana pertaining to volunteer fire departments.

2.12.030 Membership. The following rules shall govern all members within the Bainville Volunteer Fire Department.

- A. Any person of good character and apparent good health, over the age of eighteen (18) years who is a resident of the area shall be eligible for membership in the fire department.
- B. The active membership of the department shall not exceed thirty (30) members in addition to the chief.
- C. Any member shall have the privilege of presenting the name or names of candidates for membership. Members will be appointed by the Fire Chief as needed to keep a full slate of firemen.

2.12.040 Officers. The officers of the fire department shall consist of a chief, assistant chief, secretary, treasurer and board of trustees, made up of three (3) members of the department. The office of secretary and treasurer may be held by one and the same person if the department so desires.

At the annual meeting, there shall be elected by the active members of the volunteer fire department, one secretary and one treasurer, who may be one in the same person, and one trustee who shall hold office for a period of three (3) years.

2.12.050 Secretary. It shall be the duty of the secretary to keep a record of all proceedings of the department; to call the roll, to record all absences; to keep books and preserve the records of the department; to give each member at least one day's notice of any special meeting, and to do all necessary correspondence; to file the complete membership list with the county clerk and recorder on the first of January of every year.

2.12.060 Treasurer. It shall be the duty of the treasurer to receive all moneys collected by the secretary or otherwise; to keep a regular account of all moneys received and to disburse the same on the order of the department; to make an annual itemized report of the

sums received and disbursed by his office; to submit his books on such annual report to the membership or a financial committee appointed therefrom for auditing.

2.12.070 Duties of Members. It shall be the duty of all members of the fire department to obey all the commands of their officers while on duty.

On the alarm of fire, it shall be the duty of every member to repair to the engine house without delay and assist in conveying the engine and apparatus to the fire. When answering an alarm neither one nor more of the engines shall leave the engine house unless manned by a driver and one (1) other member of the department.

They shall assist in taking up the hose, placing it in the engine and return the same to the engine house. No member shall leave a fire without the permission of the Chief.

The member who may first arrive at the engine house shall be obeyed as the Chief until the Chief or Assistant Chief arrives.

Every member is urged to attend the meetings of the department. Every member is also urged to answer all fire alarms.

2.12.080 Meetings. The annual meeting of the department shall be held on the first Monday in December of each year. A minimum of three (3) meetings shall be held during the year at the call of the Fire Chief. Seven (7) members shall constitute a quorum for the transaction of business.

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Chapter 2.14

INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES

Sections:

2.14.010 Indemnification of Public Officers and Employees.

2.14.010 Indemnification of Public Officers and Employees. That in any civil action brought against any public official or employee of the Town of Bainville alleging a violation of Initiative 75, the Town of Bainville shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of Initiative 75.

(Ord. 1-13-99)

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