CITY OF BOZEMAN, MONTANA

CHARTER

Approved
November 7, 2006

Effective
January 1, 2008

THE CITY OF BOZEMAN, MONTANA
CHARTER

PREAMBLE

We, the people of the City of Bozeman, under the constitution and laws of the State of Montana, in order to secure the benefits of local self-government and to provide for an honest and accountable commission-manager government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and self-governance and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

ARTICLE I
POWERS OF THE CITY

Section 1.01. Powers of the City.

The City of Bozeman shall have all powers possible for a city with self-governing powers to have under the constitution and laws of the State of Montana as fully and completely as though they were specifically enumerated in this charter.

Section 1.02. Construction.

(a) Powers. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

(b) Priority Construction. As provided by Article XI, Section 5, of the Constitution of Montana, provisions herein establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 1.03. Intergovernmental Relations.

The City of Bozeman may participate by contract or otherwise with any governmental entity of the State of Montana or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

ARTICLE II
CITY COMMISSION

Section 2.01. General Powers and Duties.

All powers of the city shall be vested in the city commission, except as otherwise provided by law or this charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 2.02. Eligibility, Terms, and Composition.

(a) Eligibility. Only registered voters whose principal residence is in the City of Bozeman shall be eligible to hold the office of commission member or mayor.

(b) Terms. The term of office of elected officials shall be four years elected in accordance with Article VI.

(c) Composition. The commission shall be composed of four members elected by the voters of the city at large in accordance with provisions of Article VI and the mayor. The mayor shall be elected as provided in §2.03(b).

Section 2.03. Mayor

(a) Powers and Duties. The mayor shall be a voting member of the city commission and shall attend and preside at meetings of the commission; represent the city in intergovernmental relationships; present an annual state of the city message; add an item to the commission agenda prepared by the city manager; assign, subject to the consent of commission, agenda items to sub-committees of the commission; and perform other duties specified by the commission. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties and shall not interfere with the administration of the city as provided in §2.05(c), below. The mayor shall not have any appointment power to city boards except where required by state law.

(b) Mayor Elected At Large. At every regular city election the voters of the city shall elect a mayor at large for a term of four years. The person so elected shall serve as deputy mayor and a commissioner for the first two years of his or her term, and mayor for the balance of his or her term of office.

Section 2.04. Compensation; Expenses.

The city commission may determine the annual salary of the mayor and commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commission members elected at the next regular

election. The mayor and commission members shall receive their actual ordinary and necessary expenses incurred in the performance of their duties of office.

Section 2.05. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no commission member shall hold any other elected public office during the term for which the member was elected to the commission. No commission member shall hold any other city office or employment during the term for which the member was elected to the commission. No former commission member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the commission, unless granted a waiver by the board of ethics. Nothing in this section shall be construed to prohibit the commission from selecting any current or former commission member to represent the city on the governing board of any regional or other intergovernmental agency, or any city board.

(b) Appointments and Removals. Neither the city commission nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries, and investigations under §2.09, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies. The office of a commission member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law. If the mayor is absent, incapacitated, dies, resigns from office, or is removed from office, the deputy mayor shall succeed as mayor during said time or absence or incapacity or for the balance of the mayor's term, as appropriate; and the commission vacancy created therein shall be filled pursuant to this section.

(b) Forfeiture of Office. A commission member shall forfeit that office if the commission member:

(1) Fails to meet the residency requirements,
(2) Violates any express prohibition of this charter,
(3) Is convicted of a felony, or

(4) Fails to attend three consecutive regular meetings of the Commission without being excused by a majority of the Commission.

(c) Filling of Vacancies. A vacancy in the city commission shall be filled for the remainder of the unexpired term, pursuant to state law.

Section 2.07. Judge of Qualifications.

The city commission shall be the judge of the grounds for forfeiture of a member's office, pursuant to §2.06.b. In order to exercise these powers, the commission shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city pursuant to state law.

Section 2.08. City Clerk.

The city commission or the city manager, as designated by ordinance, shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of commission meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the commission or by state law.

Section 2.09. Investigations.

The city commission 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. Failure or refusal to obey a lawful order issued in the exercise of these powers by the commission shall be a misdemeanor punishable pursuant to state law.

Section 2.10. Procedure.

The city commission shall, by ordinance, establish its rules of procedure and time and place of meetings, in accordance with state law.

Section 2.11. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;
(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
(3) Levy a new tax;
(4) Grant, renew, or extend a franchise;

(5) Convey or lease or authorize the conveyance or lease of any lands of the city;
(6) Adopt or amend zoning and subdivision regulations;
(7) Amend or repeal any ordinance previously adopted; or
(8) Adopt, with or without amendment, ordinances proposed under the initiative power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.12. Ordinances in General.

Ordinances, regular, emergency, and technical regulations, will be proposed, published, and approved in accordance with state law. In addition to the requirements of state law, ordinances, administrative regulations, resolutions, and the Bozeman Municipal Code will be published electronically.

ARTICLE III
CITY MANAGER

Section 3.01. Appointment; Qualifications; Compensation.

The city commission, by a majority vote of its total membership, shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the city while in office only with the approval of the commission.

Section 3.02. Removal.

If the city manager declines to resign at the request of the city commission, the city commission may suspend the manager by a resolution approved by the majority of the total membership of the city commission. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city commission, by a majority vote of its total membership, may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.

Section 3.03. Acting City Manager.

By administrative order filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability. The city commission may revoke such

designation at any time and appoint another officer of the city to serve until the city manager returns.

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the commission for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

(1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
(3) Attend all city commission meetings unless excused. The city manager shall have the right to take part in discussion but shall not vote;
(4) See that all laws, provisions of this charter, and acts of the city commission subject to enforcement by the city manager or by officers subject to the manager's direction and supervision are faithfully executed;
(5) Prepare and submit the annual budget and multi-year capital program to the city commission for its approval, and execute the final budget approved by the commission to achieve the goals of the city;
(6) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
(7) Make such other reports as the city commission may require concerning operations;
(8) Keep the city commission fully advised as to the financial condition and future needs of the city;
(9) Make recommendations to the city commission concerning the affairs of the city and facilitate the work of the city commission in developing policy;
(10) Provide staff support services for the mayor and commission members subject to the provisions regarding the city clerk under §2.08;
(11) Assist the commission in developing long term goals for the city and strategies to implement these goals;
(12) Encourage and provide staff support for regional and intergovernmental cooperation;
(13) Promote partnerships among commission, staff, and citizens in developing public policy and building a sense of community;
(14) Perform such other duties as are specified in this charter or may be required by the city commission;
(15) Prepare the commission agenda; and
(16) Appoint members of temporary advisory committees established by the city manager or the city commission.

ARTICLE IV
DEPARTMENTS, OFFICES AND AGENCIES

Section 4.01. General Provisions.

(a) Creation of Departments. The city commission 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. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by city manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of commission, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

Section 4.02. Personnel System.

Consistent with all applicable federal and state laws, all appointments and promotions of city officers and employees shall be made solely on the basis of merit and qualifications demonstrated by a valid and reliable examination or other evidence of competence.

Section 4.03. Legal Officer.

(a) Appointment. There shall be a legal officer of the city appointed by the city manager subject to confirmation by the city commission.

(b) Role. The legal officer shall serve as chief legal adviser to the commission, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings, and shall perform any other duties prescribed by state law, by this charter, or by ordinance.

Section 4.04. Land Use, Development, and Environmental Planning.

Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the city commission shall:

(1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
(2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;
(3) Determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and

(4) Adopt development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the city manager, and the mayor and commission shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

Section 4.05. Municipal Court

There shall be a municipal court as prescribed by state law.

Section 4.06 Neighborhood Associations

(a) Purpose. The citizens of Bozeman value the contribution neighborhoods can make to the governance of the city. Therefore, it is the purpose of this article to strengthen neighborhood participation where it exists, and to encourage and support neighborhood participation where it does not yet exist.

(b) Recognition of neighborhood associations. The city commission shall establish by ordinance minimum recognition requirements for neighborhood associations. These standards shall include, but not be limited to:

(1) clear geographic boundaries;
(2) procedures for defining a resident for neighborhood association membership;
(3) adherence to established by-laws that ensure democratic deliberative and voting procedures;
(4) periodic meetings, including an annual meeting;
(5) copy of the by-laws and all amendments filed with the city;
(6) inclusion of all residents in the neighborhood association; and
(7) demonstrating that it has a means of communicating with all residents in a neighborhood association.

(c) Minimum Standards. A neighborhood association must meet and continue to maintain conformity with the minimum standards as established by ordinance in order to be recognized by the city and to be eligible to elect members to the InterNeighborhood Council. Neighborhood associations existing on the date of the enactment of this charter shall have one year after the enactment of said city ordinance to come into compliance.

(d) InterNeighborhood Council. There is hereby established an InterNeighborhood Council to be composed of representatives selected by each recognized neighborhood association.

(1) The InterNeighborhood Council shall provide a forum for Neighborhood Associations to come together, share information, and make recommendations to the city commission, city staff, and the mayor on city-wide issues. This does not preclude a

neighborhood association from taking its concerns directly to the city or the commission.

(2) The InterNeighborhood Council shall meet on a regular basis to address city-wide concerns and foster dialogue between neighborhoods.

(3) The InterNeighborhood Council shall adopt by-laws governing the conduct of their business. Such by-laws shall be approved by the city commission, or as designated by ordinance. A vacancy on the InterNeighborhood Council shall be filled only by the affected neighborhood association. The city may appoint a city commissioner as a non-voting member of the InterNeighborhood Council.

(e) City Liaison. The City shall designate a staff member to serve as liaison to the InterNeighborhood Council and neighborhood associations.

Section 4.07. City Boards, Commissions and Committees.

Except for boards and commissions established by statute, the commission may create boards, commissions, or committees as determined necessary. All city boards, commissions, or committees will be established by the city commission and members appointed by the commission and the mayor, when so required by law, following a public solicitation through the newspaper advertised not less than twice annually. Between public solicitations for members, appointments may be made to fill unexpected vacancies or vacancies not filled through the last round of advertisements from those applications on file as of the date of appointment. Subcommittees of existing boards, commissions, or committees may be appointed by the city commission without the necessity of public solicitation. The commission may authorize the city manager to establish ad hoc special commissions for specific purposes without public advertisement. Except where prohibited by law, the terms on all boards shall be staggered.

ARTICLE V
FINANCIAL MANAGEMENT

Section 5.01. Fiscal Year.

The fiscal year of the city shall begin on the first day of July and end on the last day of June, or as otherwise provided by state law.

Section 5.02. Submission of Budgets and Budget Message.

The city manager shall submit to the city commission a preliminary budget for the ensuing fiscal year and an accompanying message and a final budget, both in a timely manner. The publication requirements must conform to the provisions of state law for a municipality and be available electronically.

Section 5.03. Budget Message.

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the city's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the city manager deems desirable.

Section 5.04. Budget.

(a) Statutory Provisions. The preliminary annual operating budget, the final budget, and amended budgets must be prepared in accordance with state laws governing municipal budgets as then in effect.

(b) Unreserved Fund Balance. A minimum level of budgeted general fund unreserved fund balance shall be established by ordinance and shall be in accordance with the GFOA (Government Finance Officers Association) recommended practice on appropriate levels of unreserved fund balance in the general fund. This provision does not limit appropriations in case of emergency pursuant to state law.

Section 5.05. Adjusting Appropriations.

(a) Reduction of Appropriations. In addition to the requirements of state law, if at any time during the fiscal year it appears probable to the city manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the city commission without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager, and recommendations as to any other steps to be taken. The commission shall then take such further action as it deems necessary to prevent or reduce any deficit and, for that purpose, it may by ordinance reduce or eliminate one or more appropriations.

(b) Transfer of Appropriations. In addition to the requirements of state law, at any time during or before the fiscal year, the city commission may by resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, or organizational unit to the appropriation for other departments or organizational units or a new appropriation as provided by state law. The city manager may transfer funds among programs within a department, fund, service, or organizational unit and shall report such transfers to the commission in writing in a timely manner.

(c) Limitation; Effective Date. In addition to the requirements of state law, no appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no

appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.06. Administration and Fiduciary Oversight of the Budget.

The city commission shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

Section 5.07. Capital Program.

(a) Submission to City Commission. The city manager shall prepare and submit to the city commission a multi-year capital program no later than December 15 for the ensuing fiscal year.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;
(2) Identification of the long-term goals of the community;
(3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
(4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
(5) Method of financing upon which each capital expenditure is to be reliant;
(6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
(7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
(8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.08. City Commission Action on Capital Program.

(a) Notice and Hearing. The city commission shall publish the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and
(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The city commission by resolution shall adopt the capital program for the ensuing fiscal year, with or without amendment after the public hearing, but no later than the last day of March of the current fiscal year.

Section 5.09 Independent Audit.

The city commission shall provide for an independent annual audit of all city accounts in accordance with state law and may provide for more frequent audits as it deems necessary. No accountant or firm may provide any other services to the city during the time it is retained to provide independent audits to the city, however, the city commission may waive this requirement by a majority vote at a public meeting.

ARTICLE VI
ELECTIONS

Section 6.01. City Elections.

(a) Regular Elections. Regular city elections shall be held and administered in odd numbered years, pursuant to state law. Candidates shall run for office without party designation.

(b) Beginning of term. The terms of new commission members shall start at the beginning of the first regularly scheduled meeting in January after their election.

Section 6.02. Methods of Electing Commission Members.

At the first election under this charter, commission members shall be elected at large for four-year terms. The mayor shall be elected pursuant to §2.03(b).

Section 6.03. Initiative; Citizen Referendum, and Recall.

The powers of initiative, citizen referendum, and recall are hereby reserved to the electors of the city as provided by state law. In verifying petitions for initiatives and referendums, the percentage of signatures required under state law shall be reduced in proportion to the number of inactive registered voters as most recently certified by the county election administrator pursuant to state law.

ARTICLE VII
GENERAL PROVISIONS

Section 7.01. Conflicts of Interest; Board of Ethics.

(a) Conflicts of Interest. The use of public office for private gain is prohibited. The city commission shall implement this prohibition by ordinance, the terms

of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public, the acceptance of gifts and other things of value, acting in a private capacity on matters dealt with as a public official, the use of confidential information, and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

(b) Board of Ethics. The city commission shall, by ordinance, establish an independent board of ethics pursuant to state law. The city commission shall appropriate sufficient funds to the city manager to provide annual training and education of city officials, city boards, and employees regarding the state and city ethics codes. City officials, board members, and employees shall take an oath to uphold the state and city ethics codes.

Section 7.02. Campaign Finance.

In order to combat the potential for, and appearance of, corruption and to preserve the ability of all qualified citizens to run for public office, the city shall, insofar as is permitted by state and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by candidates for locally elected office. Ordinances pursuant to this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

ARTICLE VIII
CHARTER AMENDMENT

Section 8.01 Proposal of Amendment.

Amendments to this charter may be framed and proposed:

(1) In the manner provided by state law, or
(2) By ordinance of the commission containing the full text of the proposed amendment, or
(3) By report of a study commission created pursuant to state law, or
(4) By the voters of the city. Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VI for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by registered voters of the

city equal to that required by state law. In verifying petitions, the percentage of required signatures shall be reduced pursuant to Section 6.03, above.

Section 8.02. Election.

Upon delivery to the election authorities of the report of a charter commission or delivery by the city clerk of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to §8.01, or as otherwise provided by state law, the election authorities shall submit the proposed amendment to the voters of the city at an election, pursuant to state law.

Section 8.03. Adoption of Amendment.

If a majority of those voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

ARTICLE IX
TRANSITION AND SEVERABILITY

Section 9.01. Officers, Employees and Elected Officials.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuance of Office or Employment. Except as specifically provided by this charter if, at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position. Elected officials serving at the time this charter is approved by the voters shall continue in office for the balance of their term.

(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in §4.02.

Section 9.02. Pending Matters.

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall

be maintained, carried on, or dealt with by the city department, office, or agency appropriate under this charter.

Section 9.03. State and Municipal Laws.

All city ordinances, resolutions, orders, and regulations in force when this charter becomes fully effective shall be updated to conform with this charter pursuant to state law. Any ordinance or resolution required to be established pursuant to this charter shall be completed as required by state law.

Section 9.04. Schedule.

(a) Mayor Election. Section 2.03(b) shall take effect with the 2007 city election, with said mayor being seated after serving as deputy mayor at the beginning of the first commission meeting in January, 2010.

(b) Referendum on Increasing the Commission. At the general election in 2010, the city commission shall place before the voters, with conforming charter amendments, the issue of adding two members to the city commission. Should the voters approve said increase, said commission members shall be elected during the regular city election in 2011 and seated at the first regular commission meeting in January 2012.

(c) Time of Taking Full Effect. The charter shall be in full effect for all purposes pursuant to the schedule established by state law.

Section 9.05. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any 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.

This charter was proposed by the City of Bozeman's 2004-2006 Local Government Study Commission and was approved by the voters at the November 7, 2006, general election. Section 2.03(b) of the charter becomes effective with the 2007 election; all other sections become effective on January 1, 2008.