

# DARBY TOWN CHARTER

DARBY, MONTANA

**Voter Approved, 2025**

TOWN CHARTER  
TABLE OF CONTENTS

	<u>Section</u>
ARTICLE I: GENERAL PROVISIONS	
Powers Of The City	1.01
Interpretation Of Power	1.02
Intergovernmental Cooperation	1.03
Oath Of Office	1.04
ARTICLE II: CITY COUNCIL	
Composition, Terms, Election, Qualifications, Compensation, Removal, Filling Of Vacancies, Meetings	2.01
Powers And Duties of the Council	2.02
Responsibility of the Council	2.03
Ordinances	2.04
Prohibitions	2.05
ARTICLE III: TOWN MAYOR	
Qualifications, Term, Election, Removal, Filling Vacancies, Meetings	3.01
Duties Of The Mayor	3.02
Legislative Authority	3.03
ARTICLE IV: ELECTIONS AND NOMINATIONS	
Elected City Officials	4.01
Date Of Holding Elections	4.02
ARTICLE V: INITIATIVE, REFERENDUM AND RECALL	
Initiative And Referendum Powers	5.01
Recalled From Office	5.02
ARTICLE VI: AMENDMENT OF CHARTER, EFFECTIVE DATE, AND SEPARABILITY	
Amendment Of Charter	6.01
Effective Date	6.02
Separability	6.03
ARTICLE VII: TRANSITIONAL PROVISIONS	
General Transition	7.01
Election Transition	7.02
Personnel Transition	7.03

## **CHARTER FOR THE TOWN OF DARBY**

We the people of the town of Darby, trusting in God and in our own abilities, and seeking to empower ourselves and the future generations with the ability to provide, protect and preserve a high quality of life, diversity and good character in the community of goodwill, love, liberty and equal opportunity for all, now therefore ordain and establish this charter.

### **ARTICLE I**

#### **GENERAL PROVISIONS**

##### **Section 1.01 Powers of the City**

1. The town of Darby, Montana, shall have all powers not prohibited by the laws of Montana or this charter.
2. The town of Darby's general and special mill levies shall not exceed the maximum amount allowable to a general power local government unit by the state of Montana.
3. There shall be no new kind of taxes levied without the affirmative vote of the people.

##### **Section 1.02 Interpretation of Power**

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

##### **Section 1.03 Intergovernmental Cooperation**

As provided by article XI, section 7 of the constitution of Montana, the town of Darby may enter into intergovernmental relations unless prohibited by state law or this charter.

##### **Section 1.04 Oath of Office**

Before entering upon the duties of office, elected city officials shall take and subscribe to the oath of office as per *Montana Constitution, Article III, Part III, Section 3* Oath of Office: I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God).

**ARTICLE II**  
**CITY COUNCIL**

**Section 2.01 Composition, Terms, Election, Qualifications, Compensation, Removal, Filling of Vacancies, Meetings**

The council shall have five (5) members, two (2) council members from each of two wards and one (1) at large; council members shall reside in the districts from which they are nominated and elected.

1. Elections for the council shall be nonpartisan, and for four (4) year staggered terms.
2. Only qualified voters of the town shall be eligible to hold the office of the council.
3. The council shall determine by ordinance the monthly salary of council members and of the mayor. No ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election; provided that such election follows the adoption of such ordinance by at least (6) months.
4. The office of the council member shall become vacant by any method authorized by law.
5. The office of the council member shall be forfeit if:
  - (A) Loses eligibility for election.
  - (B) Violates any expressed prohibition of this charter;
  - (C) Without council approval, fails to attend two (2) consecutive, regularly scheduled meetings or is absent from the city continuously for thirty (30) days without consent of the council;
  - (D) A member charged with conduct constituting grounds for forfeiture of this office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a manner consistent with state law.
6. In the event of a vacancy, the council shall, by a majority vote of the remaining members and within 30 days, appoint a person, eligible to hold such council seat to fill the vacancy until the next regular election, at which time the remainder of the term shall be filled as provided by law.
7. The council shall meet regularly and no less than once a month at such times and places as the council may prescribe. Special meetings may be held on the call of the mayor or three (3) members of the council, or upon receipt of a petition signed by ten percent (10%) of the eligible voters. Such meetings shall be public and, upon forty-eight (48) hours' notice.
8. The council chair and presiding officer shall be elected by the members of the council from their own number for a term set by ordinance.
9. The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then, if and only if, the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting shall be open. *(MCA 2-3-203)*

Any final action thereon shall not be taken by the council until the matter is placed on the agenda.

### **Section 2.02 Powers and Duties of the Council**

All powers of the town shall be vested in the council subject to the provisions of state law, or this charter to adopt, amend and repeal ordinances and resolutions required to provide procedures for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

### **Section 2.03 Responsibility of the Council**

The primary role of the governing body of the town of Darby shall be to protect the rights of each person in addition to representing the interests of the citizens of the town of Darby.

### **Section 2.04 Ordinances**

In addition to other acts required by law or this charter to be done by ordinance, the council shall perform the following acts by ordinance:

1. Adopt or amend an administrative code or establish, alter or abolish any town department or agency;
2. Provide for a fine or penalty;
3. Levy taxes, except as otherwise provided by law or this charter;
4. Grant, renew or extend a franchise;
5. Regulate the rate charged by a municipal public utility for its services;
6. Authorize the borrowing of money as provided by state law;
7. Convey or lease or authorize the conveyance or lease of any lands of the town;
8. Amend or repeal any ordinance previously adopted, except as otherwise provided in article VI of this charter with respect to repeal of ordinances adopted under referendum power.

### **Section 2.05 Prohibitions**

1. Neither the council nor any of its members may dictate the appointment or removal of any employee whom the mayor or any of their subordinates are empowered to appoint or remove.
2. Except for the purpose of inquiry or investigation authorized by this charter or town, the council or its members shall deal with the city employees who are subject to the direction and supervision of the mayor solely through the mayor.

**ARTICLE III**  
**TOWN MAYOR**

**Section 3.01 Qualifications, Term, Election, Removal, Filling Vacancies, Meetings**

1. Only qualified voters of the city shall be eligible for the position of mayor.
2. The mayor shall be elected for a term of two (2) years.
3. Election of the mayor shall be nonpartisan.
4. The mayor shall be elected at large, as provided by state law.
5. The office of mayor shall become vacant by any method authorized by law.
6. The office of mayor shall be forfeit if
  - (A) Loses eligibility for election
  - (B) Violates any expressed prohibition of this charter
  - (C) Without council approval, fails to attend two (2) consecutive regularly scheduled meetings or is absent from the city continuously for thirty (30) days without the consent of the council;
  - (D) Is convicted of a felony or other offense involving moral turpitude.
7. A mayor charged with conduct constituting grounds for forfeiture of the office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a manner consistent with state law.
8. In the event of a vacancy, the council shall, within 30 days and by majority vote, appoint a person, eligible to hold the mayor position, to fill the vacancy until the next regular city election at which time the remainder of the term shall be filled as provided by law.

**Section 3.02 Duties of the Mayor**

1. The mayor shall:
  - (A) Enforce laws, ordinances, and resolutions;
  - (B) Perform duties required by state law, this charter, ordinance or resolution.
  - (C) Administer affairs of the local government.
  - (D) Carry out policies established by the council.
  - (E) Recommend measures to the council.
  - (F) Report to the council on affairs and financial condition of the local government.
  - (G) Attend council meetings and may take part in discussions.
  - (H) Appoint, with the consent of the council, all members of boards, except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor;

- (I) Prepare the budget in consultation with the council.
- (J) Supervise all offices and employees except as otherwise provided by law or ordinance.

### **Section 3.03 Legislative Authority**

The mayor may veto ordinances and resolutions, subject to override by a majority of the council.

## **ARTICLE IV**

### **ELECTIONS AND NOMINATIONS**

#### **Section 4.01 Elected City Officials**

The procedure for the nomination and election of all town officers shall be as prescribed by state law for nonpartisan elections.

#### **Section 4.02 Date of Holding Elections**

The procedure for holding regular elections and special elections shall be as prescribed by state law.

## **ARTICLE V**

### **INITIATIVE, REFERENDUM AND RECALL**

#### **Section 5.01 Initiative and Referendum Powers**

The people of the town of Darby shall retain the right to exercise initiative and referendum powers according to provisions of state law.

#### **Section 5.02 Recall from Office**

The elected officials provided for in this charter may be recalled from office by the electors as prescribed by law.

## **ARTICLE VI**

### **AMENDMENT OF CHARTER, EFFECTIVE DATE, AND SEPARABILITY**

#### **Section 6.01 Amendment of Charter**

The people of the town of Darby retain the right to amend this charter as prescribed by state law.

#### **Section 6.02 Effective Date**

This charter adopted by the voters will become effective **January 20, 2026**.

### **Section 6.03 Separability**

If a part of this act is invalid, all valid parts that are severable from this invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

## **ARTICLE VII**

### **TRANSITIONAL PROVISIONS**

#### **Section 7.01 General Transition**

The present or new city council shall provide for transition to this charter by ordinance.

#### **Section 7.02 Election Transition**

On January 5, 1997, there will be a special election held to elect the council member and the mayor. Terms of office for the city council shall be determined by drawing lots as prescribed by state law. The three councilors' drawing the largest lots shall serve a two (2) year term and the two councilors' drawing the smallest lots shall serve a one-year term. These one year and two-year terms are for the first election only. On January 5, 1997, there will be a mayor elected for a two (2) year term.

Any newly elected officer shall take the oath of office prior to assuming the duties of office.

#### **Section 7.03 Personnel Transition**

No town employee currently holding a town office will lose employment solely because of the adoption of this charter.

Adopted by the people of the town of Darby at the election held on **November 4, 2025**