

**RESOLUTION NO. R08-07**

**RESOLUTION OF THE CITY COUNCIL ADOPTING A  
TRANSITION PLAN IN CONJUNCTION WITH THE CITY'S  
AMENDMENT TO ITS FORM OF GOVERNMENT.**

WHEREAS, the voters of the City of Laurel approved an amendment to a self-government Charter at the conclusion of the November 6, 2007 municipal election; and

WHEREAS, the new City Charter takes effect on January 1, 2008; and

WHEREAS, Montana law requires that the governing body prepare a transition plan for the orderly transition to a new form or plan of government; and

WHEREAS, the attached Transition Plan does provide for the orderly transition to the plan of government set forth in the voter approved Charter.

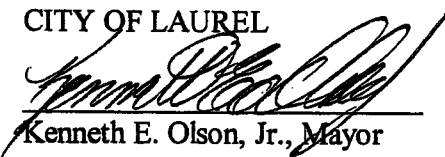
NOW, THEREFORE BE IT RESOLVED that the Transition Plan attached to this resolution is hereby adopted and approved by the City Council.

Introduced at a regular meeting of the City Council on January 15, 2008, by Council Member Eaton.

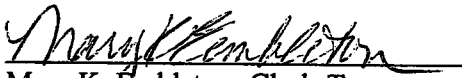
PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 15<sup>th</sup> day of January, 2008.

APPROVED by the Mayor this 15<sup>th</sup> day of January, 2008.

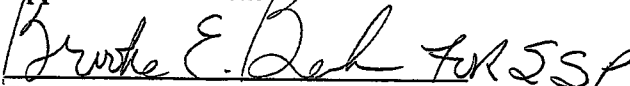
CITY OF LAUREL

  
\_\_\_\_\_  
Kenneth E. Olson, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Mary K. Embleton, Clerk-Treasurer

Approved as to form:

  
\_\_\_\_\_  
Sam Painter, Legal Counsel  
Elk River Law Office, P.L.L.P.

**TRANSITION PLAN  
FOR THE  
CITY OF LAUREL, MONTANA**

This Transition Plan for the City of Laurel has been prepared by the Laurel Mayor and City Council pursuant to Section 6.01 of the City Charter and MCA § 7-3-157.

**I. Effective Date and Scope of the Charter:**

1. Pursuant to Section 5.02 of the Charter and MCA §§ 7-3-156 and 7-3-706, the Charter becomes effective on January 1, 2008.
2. Pursuant to Section 1.04 of the Charter, and 7-3-701 and Article XI, Section 5 of the Constitution of Montana, Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

**II. Transition Procedures for City Employees and Elected Officers:**

1. Pursuant to Section 6.02 of the Charter and MCA § 7-3-158, no City employee shall lose employment solely because of the adoption of the Charter.
2. Pursuant to Section 6.02 of the Charter and MCA § 7-3-158, the Mayor and members of the City Council may continue in office until the end of the term for which they were elected and their salaries shall not be reduced.
3. The Charter does not alter the status of the City Judge.
4. Pursuant to Section 3.10 of the Charter, the Mayor may, in due course and when deemed in the best interest of the City, initiate a search for a Chief Administrative Officer who shall be appointed by written contract the terms of which shall be negotiated by the Mayor for approval by the City Council. The search process may, of course, be limited to serving City staff or it may be extended beyond present City employees to include a wider pool of possible applicants. The term of the contract shall not exceed two years unless specifically extended or renewed by majority vote of the Council.

**III. Transition Procedures Related to Self-Government Powers:**

1. Pursuant to Section 1.01 of the Charter and MCA § 7-3-702 and Article XI, Section 6, of the Constitution of Montana, the City of Laurel shall have all powers not prohibited by the Constitution of Montana, the laws of Montana or this charter. (Refer to Part 1, Chapter 1, Title 7 for limitations on self-government powers.)
2. Pursuant to Section 1.03 (1) of the Charter, the property tax mill levy limit of the City is limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the City's electors voting on the question.

3. Pursuant to Section 1.03(2) of the Charter, no change in any City license fee, user fee, permit fee or utility charge shall be made without prior public hearings, as prescribed by law.

**IV. Transition Procedures Concerning the Election of City Officers:**

1. Not later than January 31, 2008, the City Clerk shall advise the Yellowstone County Election Administrator by certified mail that future elections of the officers of the City of Laurel shall be conducted on a "nonpartisan basis" pursuant to Sections 2.05(1) of the Charter and MCA § 7-3-704. Note that, under the present form of government, 7-3-113(1)(k), and, by reference, MCA § 7-3-219(1) require that the City conduct the election of its officers on a "partisan basis."

**V. Transition Procedures Concerning City Ordinances and Resolutions:**

1. Pursuant to Section 6.03 (1) of the Charter and MCA § 7-3-159, all ordinances and resolutions in effect on the date the Charter becomes effective shall remain in effect until repealed or amended as provided by law.
2. Pursuant to Section 6.03(2) of the Charter and MCA § 7-3-159, all City rules, resolutions and ordinances shall be reviewed and, where necessary, revised or repealed to provide for consistency with this Charter and state law no later than January 1, 2009.

**VI. Transition Procedures Concerning Appointed Boards and Commissions:**

1. All boards, commissions and advisory bodies to the City of Laurel in existence at the time the Charter becomes effective shall continue until reconstituted, reappointed or dissolved by the governing body.

**VII. Transition Procedures Concerning Existing City Contracts and Debt:**

1. Contracts in effect and debt owing by or due to the City of Laurel at the time this Charter becomes effective shall not be thereby affected.