

ORDNANCE NO O19-01

AN ORDINANCE AMENDING TITLE 2, CHAPTERS 2.08, 2.12, ~~AND 2.60, 2.64, and 2.76~~ OF THE LAUREL MUNICIPAL CODE FOR THE PURPOSE OF CLARIFYING THAT CURRENT CITY EMPLOYEES ARE NOT ELIGIBLE TO SERVE AS MEMBERS OF CITY COMMITTEES AND COMMISSIONS OR TO SERVE AS ELECTED CITY OFFICERS IN ACCORDANCE WITH MONTANA LAW AND FOR OTHER PURPOSES.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, Montana law specifically prohibits employees of a city, town or county from serving in elected positions since the positions of employees and elected officials are incompatible as a matter of law; and

WHEREAS, the City of Laurel's LMC requires an amendment to clarify the Montana law as related to the doctrine of incompatible positions to avoid future issues; and

WHEREAS, upon request of the Mayor, the ordinance amendments were prepared to be adopted and incorporated into the existing Title 2 as noted herein and the Mayor hereby recommends the same to the City Council for their full approval as follows:

2.08.240 Standing committees.

At the first regular meeting of the council, after the first Monday in January following a city election, the mayor shall appoint standing committees as follows:

- A. Public Works;
- B. Budget and Finance;
- C. Emergency Services;
- D. Human Relations.

Each committee shall consist of not more than four councilpersons and such other private individuals as the mayor shall appoint. All appointments shall be approved by a majority of the council. City employees are not eligible to serve as members on City Standing committees. (Ord. 99-24, 1999: Ord. 1012, 1992: prior code § 2.12.170)

2.08.250 Special committees.

The mayor shall from time to time appoint such other standing or temporary committees of the council as shall be authorized, for any purpose by a majority vote of the council. City employees are not eligible to serve as members on City Special committees. (Prior code § 2.12.180)

2.12.020 Elective and appointive offices.

The elective officers-offices of the city consist of one mayor, two aldermen from each ward, and one city judge, who must be elected by the qualified electors of the city as provided in M.C.A. § 7-4-4102. There may also be appointed offices that are appointed by the mayor, with the advice and consent of the council, one city clerk-treasurer, who is ex officio city assessor, director of public works, assistant director of public works, engineer, maintenance director, public utilities director, and any other officer necessary to carry out the provisions of this title. The city council may prescribe the duties of all city officers and fix their compensation subject to the limitations contained in the city ordinances and state law. (Ord. 02-7, 2002: Ord. 97-2 § 1, 1997: Ord. 1000, 1991: prior code § 2.04.020)

2.12.030 Eligibility to elective office.

Except as specifically provided in 2.60.070, 2.64.120, and, 2.76.080, No-no person is eligible to any elective office who is a current employee of the city, not a citizen of the United States and-or who has not resided in the city or an area which has been annexed thereto for at least two years immediately preceding his election and who is not a qualified elector thereof. (Prior code § 2.04.030)

2.60.070 Reserve and auxiliary police forces.

The chief of police shall recommend and the council shall approve membership in the reserve police force and the auxiliary police force. The number of persons enrolled in the reserve police force and auxiliary police force shall be set by the council. Notwithstanding 2.12.030, aldermen and non-police officer city employees may serve as individual members of the reserve or auxiliary police force.

(Prior code § 2.20.120)

2.60.100 Police commission—Appointment—Terms and conditions of office.

The mayor shall nominate, with the consent of the council, three residents of the city, who shall have the qualifications required by law to hold a city board to be known by the name of “police commission,” and who shall hold office for three years. City employees and individuals serving in city elected offices are not eligible to serve as Police commission members. One member of such board must be appointed annually at the first meeting of the council in May of each year. (Prior code § 2.20.150)

2.64.120 Volunteer fire department.

There shall be a volunteer fire department to aid the regular fire department in the protection of the city property from fire. The members of the volunteer fire department shall be appointed by the fire chief with the consent of the council. The total number of volunteer members shall be set by the council. Notwithstanding 2.12.030, aldermen and city employees may serve as individual members of the volunteer fire department. (Prior code § 2.24.130)

2.76.080 Volunteer ambulance service— Appointments.

Appointments to the volunteer ambulance service shall be made by the mayor upon recommendation of the ambulance committee and confirmed by the council. Notwithstanding 2.12.030, aldermen and city employees may serve as individual members of the volunteer ambulance service.

(Prior code § 20.06.020)

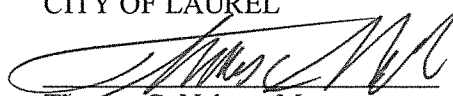
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on April 16, 2019, by Council Member McGee.

PASSED and ADOPTED by the Laurel City Council on second reading this 7th day of May, upon motion of Council Member McGee.

APPROVED BY THE MAYOR this 7th day of May 2019.

CITY OF LAUREL



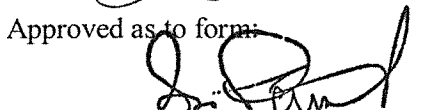
Thomas C. Nelson, Mayor

ATTEST:



Bethany Langve, Clerk-Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney