

Scope of Montana's Local Government Review

Power

In Montana (Shared Powers):

General (default): Able to exercise the power and authority explicitly granted by the legislature.

MT Constitution, Article XI, Section 4. General-governing powers. An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.

Self: Able to exercise any power and authority not explicitly denied by the legislature.

MT Constitution, Article XI, Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter.

Examples of authority available under self-governing powers, but not general-governing powers:

- Provide additional services not permitted by the legislature, such as an electric or natural gas utility
- Lawfully acquire and operate utilities (gas, electric) within and outside the boundaries of its jurisdiction
- Greater authority to dispose of public lands
- Mandatory Seatbelt Ordinance
- Local Development Code to Regulate Sale of Alcoholic Beverages
- Require All Residents to Connect to City Water Supply
- Finance Future Expansion of City Water and Sewer System through System Development Fees
- Power to Prohibit Door-to-Door Solicitation

Form

(1) the Commission-Executive form (council-mayor) Title 7, Chapter 3, Part 2

- a. Council/commission elected directly by the citizens
- b. Executive (mayor) elected directly by the citizens
- c. Co-equal branches of government

(2) the Commission-Manager form Title 7, Chapter 3, Part 3

- a. Council/commission elected directly by the citizens
- b. Council/commission hires professional manager based on knowledge, skills, and experience to serve as the chief executive of the local government
- c. Council supervises manager

(3) the Commission form/ Elected County officials Form Title 7, Chapter 3, Part 4/ 7-3-111.

MCA

- a. Commission elected directly by the citizens
- b. Commission serves in both legislative and executive roles

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