



**BEAVERHEAD COUNTY
LOCAL GOVERNMENT STUDY
COMMISSION
TRANSITION ADVISORY PLAN
&
CHARTER FORM OF GOVERNMENT
2024-2026**

Final review: 05/8/2026



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SECTION I

TRANSITION ADVISORY PLAN

BEAVERHEAD COUNTY

NOVEMBER 2026

On November 3, 2026, the voters of Beaverhead County adopted a self-governing Charter as provided by The Constitution of the State of Montana and state law and as recommended by the Final Report of the Beaverhead County Local Government Study Commission ("Study Commission").

State law (7-3-157, MCA and 7-3-193(2)(b), MCA) requires that, upon adoption by the voters of new plan of government, the Study Commission shall prepare an advisory plan for the orderly transition to the new form of government. Upon adoption by the Beaverhead County Study Commission, this document shall constitute its transition advisory plan.

1. Under Montana law (7-3-102, MCA), Beaverhead County has adopted the "charter" form of county government. The new self-government charter retains most of the structural features of the previous "elected county official" or "county commission" form, as detailed in the Certificate of the Existing Plan of Government and the Certificate of the Proposed Plan of Government, attached herewith at Appendix 1.
2. Under the new plan of government set forth in self-governing Charter the basic purposes and functions of Beaverhead County government to provide for the public health, safety and well-being of county residents remain unchanged.
3. Also unchanged is the taxing authority Beaverhead County government.
4. The nature and responsibilities of the Justice Court and District Court or any other judicial body in the county are not affected by the new Charter.
5. All ordinances and resolutions in effect at the time the Charter becomes effective shall remain in effect until reviewed, repealed or amended by the County Commission in the manner prescribed by law and by the Charter. The County Commission shall undertake and complete such review prior to January 1, 2027.
6. All existing citizen advisory boards, commissions and authorities created by law, ordinance or resolution are continued pending review and reappointment by the County Commission. All future appointments to such bodies shall be made



pursuant to law and the provisions of the Charter such that all future county appointed board members shall not serve more than two terms consecutively.

7. Effective on January 1, 2027, elections for the office of County Commissioner and all other elected county officers shall be conducted on a partisan basis in the manner prescribed by law.
8. County Commissioners holding offices on the date the Charter was adopted may continue to serve the office until the end of the term for which they were elected. The County Commissioners may run for their office again, if they choose. If a County Commissioner is selected in the election of November 3, 2026, they shall assume office on Monday, January 4, 2027, as prescribed by law.
9. The elected county officers holding office at the time the Charter was adopted may continue in office until the end of their term of office. These elected officials may run for their office again, if they choose.
10. No non-elected employee of Beaverhead County shall lose office solely because of the adoption of the Charter.
11. Concurrently with the adoption of the annual operating budget for Fiscal Year 2028, the County Commission shall by resolution set the compensation of the County Commissioners and the other elected county officers.
12. The County Commission shall schedule a minimum of one meeting of record each month properly noticed and with a published agenda.

We, the Study Commissioners of Beaverhead County do hereby certify that this is the Transition Advisory Plan approved by a majority of the Beaverhead County Local Government Review Study Commission.

In testimony whereof we set our hands.

Done in Dillon, Montana this ___ day of _____, 2026.

Study Commissioners:

Brooke Erb_____

Taylor Rose_____

Rebecca Jones_____

ATTEST: Stacey Reynolds, Clerk & Recorder _____ Date _____

SEAL



SECTION II

CHARTER OF BEAVERHEAD COUNTY, MONTANA

PREAMBLE

WE, THE PEOPLE OF BEAVERHEAD COUNTY, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of the State of Montana, do hereby adopt this Charter.

ARTICLE I

POWERS OF THE COUNTY

Section 1.01 Powers of Beaverhead County

Beaverhead County shall have all powers not prohibited by the Constitution of the State of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

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

Section 1.03 Restriction on Powers

The mill levy shall be limited to that of Montana county governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special election.

Section 1.04 Charter Supremacy

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



ARTICLE II

LEGISLATIVE BRANCH

Section 2.01 Legislative Body

The elected legislative body of Beaverhead County shall be the board of county commissioners which shall have the power to set policy by adoption of lawful ordinances and resolutions.

Section 2.02 Governing Body

The governing body of Beaverhead County shall be the board of county commissioners, which may be called the County Commission or The Commission.

Section 2.03 Composition

The board of county commissioners shall be composed of three (3) commissioners, one elected from each of three (3) districts.

Section 2.04 Qualifications for Office

Every resident of Beaverhead County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible to hold the office of commissioner for the district in which he or she resides.

Section 2.05 Term of Office

Members of the commission shall be elected for six (6) years overlapping terms of office. One commissioner shall be elected every two years.

Section 2.06 Election

Local government elections shall be conducted on a partisan basis. The commission shall be elected at large and the candidates for the commission shall reside in the commission district they seek to represent.

Section 2.07 Division of the County into Commissioner Districts

Following each federal decennial census the commission shall cause the county to be divided into three commissioner districts, as compact and equal in population and area as possible.

Section 2.08 Vacancy in Office



The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two (2) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Beaverhead County, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold office until the successor is elected and qualified.

Section 2.11 Chairman of the Commission

The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance. The chairman of the commission shall be its presiding officer and shall vote as other commissioners.

Section 2.12 Powers and Duties

All powers of the county shall be vested in the 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 county by law.

Section 2.13 Rules of Procedure

The commission shall establish its rules of procedure and time and place of meetings by resolution. There shall be a minimum of one meeting of record each month properly noticed and with a published agenda. If additional regular or special meetings are held, they too must be properly noticed and with a published agenda.

Section 2.14 Legislative Action

The adoption of any resolution or ordinance by the commission shall require the affirmative vote of not less than (2) two commission members.



Section 2.15 Compensation

The compensation of commission members shall be set by resolution of the commission.

ARTICLE III

EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Functions

The chief executive and chief administrative functions of Beaverhead County government shall be vested in the three elected members of the board of county commissioners whose term of office and method of selection are set forth in Article II of this Charter.

Section 3.02 Powers and Duties

The board of county commissioners shall:

1. Enforce laws, this Charter, ordinances, and resolutions and carry out policies established by the commission.
2. Perform the duties required by law, Charter, ordinance, or resolution.
3. Administer the affairs of Beaverhead County government.
4. Direct, supervise, and administer all departments, agencies, and offices of the Beaverhead County government except as otherwise provided by law, ordinance or this Charter.
5. Prepare a commission meeting agenda.
6. Execute bonds, notes, contracts, and written obligations of the county.
7. Prepare, adopt and administer the county budget.
8. Appoint all members of board and committees.
9. Appoint and remove all department heads who are not elected and appoint and remove all other employees not serving under elected department heads.
10. Exercise direct control and supervision of departments not headed by elected officials or boards.

Section 3.03 Terms of Appointed Boards

There shall not be term limits for county appointed boards.



ARTICLE IV

JUDICIAL BRANCH

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

ARTICLE V

DEPARTMENT STRUCTURE

Section 5.01 Elected Department Heads - County Officers

The following county officers, who may be called elected department heads, who shall have the powers and duties prescribed by law, shall be elected:

1. county attorney
2. sheriff/coroner
3. clerk and recorder
4. clerk of district court
5. treasurer/assessor
6. superintendent of schools
7. public administrator
8. justice of the peace

Section 5.02 Qualifications for Office

Every resident of Beaverhead County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible for election to the office of an elected department head, enumerated in Section 5.01 above, except for the positions of county attorney and county superintendent of schools. Qualifications for the offices of county attorney and county superintendent of schools shall be those prescribed by law.

Section 5.03 Term of Office

Elected department heads shall be elected for a four (4) year term of office.

Section 5.04 Elections



Elected department heads shall be nominated and elected at large on a partisan basis.

Section 5.05 Vacancy in Office

The office of an elected department head becomes vacant as prescribed by law.

Section 5.06 Removal from Office

An elected department head may be removed from office by a finding, adopted by the affirmative vote of two (2) commissioners, that his or her office has become vacant as prescribed by law, or by the recall of the elected department head by the electors of Beaverhead County, as prescribed by law.

Section 5.07 Filling Vacancy of Elected Department Head

When a vacancy occurs in the office of an elected department head, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 5.08 Consolidation of Offices

The commission shall have the authority in its discretion to consolidate any two or more offices included in Section 5.01 above and combine the powers and duties of the consolidated offices.

Section 5.09 Organization of Other Departments

The organization of all other county departments shall be prescribed by ordinance.

Section 5.10 Compensation

The compensation of department heads shall be set by resolution of the commission.

ARTICLE VI

GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.



Section 6.02 Effective Date

This Charter shall become effective on January 1, 2027.

Section 6.03 Oath Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of the State of Montana.

Section 6.04 Right of Initiative

The citizens of Beaverhead County retain the right of initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

The elected officers of county government may be recalled by the qualified electors of Beaverhead County as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.06 Severability

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

ARTICLE VII

TRANSITIONAL PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Beaverhead County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions shall not be published as part of the Charter after January 1, 2027.

Section 7.02 Continuation in Office

No county employee currently holding a county office will lose employment solely because of the adoption of this Charter. Elected officials holding office at the time this Charter is



adopted may continue in office until the end of the term for which they were elected, at which time the offices of elected department heads not enumerated in Section 5.01 shall be vacated.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Beaverhead County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 2027.

We, the Study Commissioners of Beaverhead County do hereby certify that this is the proposed plan of government approved by the Study Commission of Beaverhead County.

In testimony whereof, we set our hands.

Done in Dillon Montana, this ____ day of _____ 2026.

Study Commissioners:

Brooke Erb_____

Taylor Rose_____

Rebecca Jones_____

ATTEST: Stacey Reynolds, Clerk & Recorder Date_____

SEAL



III. CHARTER FORM OF COUNTY GOVERNMENT

Article XI, Section 5 of The Constitution of the State of Montana empowers local voters to adopt a self-government charter and provides that charter provisions establishing executive, legislative and administrative structure and organization are superior to statutory provisions. Moreover, the Constitution, at Article XI, Section 6 also provides that a local government unit adopting a self-government charter may exercise any power not prohibited by the constitution. state law or the charter itself.

The implementing statutes, set forth primarily in Part 1, Chapter 1 of Title 7, Montana Code Annotated, first define self-governing powers to include the specific authority to "... provide any services or perform any functions not expressly prohibited by the Montana Constitution, state law or its charter" (7-1-102, MCA) and then go on to require of the courts that:

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

(7-1 - 106, MCA)

Having established that local governments with self-governing powers are to have all powers not prohibited, the implementing statutes then proceed to enumerate the specific powers that are legislatively prohibited or that require legislative delegation or consistency with state regulation (7-1-111 through 7-1-114, MCA). As one experienced county attorney has noted "While this approach leaves local government subject to legislative control, it has the advantage of providing the broadest possible potential range of local power and of reducing judicial intervention to determining whether or not a power has been denied."

Here it is important to emphasize that this approach to local self-governing powers does not shield any area of county policy from legislative purpose or limitations. Indeed, the absence of a constitutionally protected sphere of local affairs is a marked departure from the so-called "home rule" powers employed in some states.

It is also important to note that 7-1-104, MCA provides that self-governing powers are vested in the local government legislative body which. In the case of the Beaverhead County Charter, is the County Commission (Section 2.01). Both the statute and the Charter make it clear that the self-government powers of the county are to be exercised by adoption of ordinances and resolutions. This requirement is an important departure from the



legislative authority and practices of the former "elected county official" form of government which had only general powers and ordinance making authority that was limited to specifically delegated subjects such as "control of community decay" (7-5-2111, MCA) and control of litter (7-5-2109, MCA). Even though the county's ordinance making authority is substantially expanded under the new self-government charter it is quite important that the County Commission recognize the limitations on the use of this new law making authority and that they be guided by the prohibitions and limitations set forth at 7-1-111 through 7-1-114, MCA.

Prior to the enactment of Beaverhead County's Charter, salaries for elected officers were determined by vote of a county compensation board, the procedure and composition of which is set forth in Mont. Code Ann. § 7-4-2503(4). The County Compensation Board held annual hearings to review and adjust compensation paid to elected officers and were bound by rules set forth Mont. Code Ann. § 7-4-2501 et seq. when determining salaries of its elected officers and their employees. The provisions of these statutes are mandatory except in a case where a county has adopted a charter form of government in which it is expressly stated that provisions of the charter [not prohibited by Montana's Constitution] are superior to statute. Mont. Code Ann. § 7-5-3503(4)(e); see also 37 A.G. Op. 68 (1977). However, a county adopting a charter is not required to deviate from the procedural and substantive rules regarding compensation of elected officials that are promulgated by the State of Montana. Until a resolution or ordinance altering Beaverhead County's pay structure is adopted by a majority vote of the self-governing county commission, compensation of elected department heads shall be determined in accordance with Mont. Code Ann § 7-4-2501 et seq. as it has in the past.

Finally, it is important to emphasize that even though the County has acquired self-government powers the Charter specifically limits the county property mill levy to that of Montana county governments with general powers. Thus, even if the I-105 cap on property tax mill levies is rescinded at some point in the future, the Beaverhead County mill levy would still be limited to that set forth in law for general powers county governments (7-6-2501, MCA).

IV. History of Local Government Review in Beaverhead County

The 1972 Montana Constitution, in Article XI, Section 9, provides for a review of local government every ten years, beginning in 1974. It provided for an elected Study Commission which had two years to study and review the local government and then put a



proposal on the ballot for citizen consideration. The voters could choose between the existing form of government or the proposal of the Study Commission.

In 1978 the Constitution was amended to change the review process. This change made the process more permissive in that the voters were given the opportunity to decide whether or not they wished to review their government every ten years. If the voters voted for review, a Study Commission was then elected and had two years to conduct the study and write a report. In contrast with the first review period (1974-76), the Study Commission was not required to put a proposal on the ballot. The Study Commission could conclude that there was no need for change, or they could make recommendations directly to their local government for action by the local government, or they could propose structural change on the ballot.

For a complete history of the Beaverhead County Local Government Study Commissions, please visit the Beaverhead County Clerk's office during business hours.



APPENDIX I

Study Commission Final Report Certificates

CERTIFICATE, ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR BEAVERHEAD COUNTY, MONTANA

If retained by the voters, the government of Beaverhead County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government;

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 2027, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412 (3);
- (d) 7-3-413 (1);
- (e) 7-3-414 (1);
- (f) 7-3-415 (2);
- (g) 7-3-416 (2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432 (1);
- (k) 7-3-433 (1);
- (l) 7-3-434 (1);
- (m) 7-3-435 (1);
- (n) 7-3-436 (1);



(o) 7-3-437 (6);

(p) 7-3-438 (1);

(q) 7-3-439 (6);

(r) 7-3-440 (1);

(s) 7-3-441 (1);

(t) 7-3-442 (6) if the county has not elected an auditor;

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-412 (3). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.



7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission. The size of the commission, shall be three elected residents.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1)/7-3-440 (1). Law enforcement officers/Coroner shall be elected. A law enforcement officer/coroner (who may be called the sheriff/coroner).

7-3-434 (1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1)/7-3-439 (6). Treasurer/Assessor. A treasurer/assessor shall be elected.

7-3-438 (1). Superintendent of schools. A superintendent of schools shall be elected.

7-4-3004. Public Administrator. A public administrator shall be elected.

Montana Constitution, Article VII, Section 5. Justice of the Peace. A justice of the peace shall be elected.



We, the Study Commissioners of Beaverhead County do hereby certify! that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set our hands.

Done in Dillon Montana, this ____ day of _____ 2026.

Study Commissioners:

Brooke Erb _____

Taylor Rose _____

Rebecca Jones _____

ATTEST: Stacey Reynolds, Clerk & Recorder Date _____

SEAL



CERTIFICATE OF THE PROPOSED CHARTER OF BEAVERHEAD COUNTY, MONTANA

PREAMBLE

WE, THE PEOPLE OF BEAVERHEAD COUNTY, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of the State of Montana" do hereby adopt this Charter.

ARTICLE I

POWERS OF THE COUNTY

Section 1.01 Powers of Beaverhead County

Beaverhead County shall have all powers not prohibited by the Constitution of the State of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

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

Section 1.03 Restriction on Powers

The mill levy shall be limited to that of Montana county government with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special election.

Section 1.04 Charter Supremacy

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



ARTICLE II

LEGISLATIVE BRANCH

Section 2.01 Legislative Body

The elected legislative body of Beaverhead County shall be the board of county commissioners which shall have the power to set policy by adoption of lawful ordinances and resolutions.

Section 2.02 Governing Body

The governing body of Beaverhead County shall be the board of county commissioners, which may be called the county commission or the commission.

Section 2.03 Composition

The board of county commissioners shall be composed of three (3) commissioners, one elected from each of three (3) districts.

Section 2.04 Qualifications for Office

Every resident of Beaverhead County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible to hold the office of commissioner for the district in which he or she resides.

Section 2.05 Term of Office

Members of the commission shall be elected for six (6) years, overlapping terms of office. One commissioner shall be elected every two years.

Section 2.06 Election

Local government elections shall be conducted on a partisan basis. The commission shall be elected at large and the candidates for the commission shall reside in the commission district they seek to represent.

Section 2.07 Division of the County into Commissioner Districts

Following each federal decennial census the commission shall cause the county to be divided into three commissioner districts, as compact and equal in population and area as possible



Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two (2) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Beaverhead County, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold office until the successor is elected and qualified.

Section 2.11 Chairman of the Commission

The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance. The chairman of the commission shall be its presiding officer and shall vote as other commissioners.

Section 2.12 Powers and Duties

All powers of the county shall be vested in the 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 county by law.

Section 2.13 Rules of Procedure

The commission shall establish its rules of procedure and time and place of meetings by resolution. There shall be a minimum of one meeting of record each month properly noticed and with a published agenda.

Section 2.14 Legislative Action

The adoption of any resolution or ordinance by the commission shall require the affirmative vote of not less than (2) two commission members.



Section 2.15 Compensation

The compensation of commission members shall be set by resolution of the commission.



ARTICLE III

EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Functions

The chief executive and chief administrative functions of Beaverhead County government shall be vested in the three elected members of the board of county commissioners whose term of office and method of selection are set forth in Article II of this Charter.

Section 3.02 Powers and Duties

The board of county commissioners shall:

1. enforce laws, this Charter, ordinances, and resolutions and carry out policies established by the commission.
2. perform the duties required by law, Charter, ordinance, or resolution.
3. administer the affairs of Beaverhead County government.
4. direct, supervise, and administer all departments, agencies, and offices of the Beaverhead County government except as otherwise provided by law, ordinance or this Charter.
5. prepare a commission meeting agenda.
6. execute bonds, notes, contracts, and written obligations of the county.
7. prepare, adopt and administer the county budget.
8. appoint all members of boards and committees.
9. appoint and remove all department heads who are not elected and appoint and remove all other employees not serving under elected department heads.
10. exercise direct control and supervision of departments not headed by elected officials or boards.



ARTICLE IV

JUDICIAL BRANCH

Section 4.01 County Courts

There shall be such County Courts as prescribed by law.

ARTICLE V

DEPARTMENT STRUCTURE

Section 5.01 Elected Department Heads - County Officers

The following county officers, who may be called elected department heads, who shall have the powers and duties prescribed by law, shall be elected:

1. county attorney
2. sheriff/coroner
3. clerk and recorder
4. clerk of district court
5. treasurer/assessor
6. superintendent of schools
7. public administrator
8. justice of the peace

Section 5.02 Qualifications for Office

Every resident of Beaverhead County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible for election to the office of an elected department head, enumerated in Section 5.01 above, except for the positions of county attorney and county superintendent of schools. Qualifications for the offices of county attorney and county superintendent of schools shall be those prescribed by law.

Section 5.03 Term of Office

Elected department heads shall be elected for a four (4) year term of office.

Section 5.04 Election



Elected department heads shall be nominated and elected at large on a partisan basis.

Section 5.05 Vacancy in Office

The office of an elected department head becomes vacant as prescribed by law.

Section 5.06 Removal from Office

An elected department head may be removed from office by a finding, adopted by the affirmative vote of two (2) commissioners, that his or her office has become vacant as prescribed by law, or by the recall of the elected department head by the electors of Beaverhead County, as prescribed by law.

Section 5.07 Filling Vacancy of Elected Department Head

When a vacancy occurs in the office of an elected department head, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 5.08 Consolidation of Offices

The commission shall have the authority in its discretion to consolidate any two or more offices included in Section 5.01 above and combine the powers and duties of the consolidated offices.

Section 5.09 Organization of Other Departments

The organization of all other county departments shall be prescribed by ordinance.

Section 5.10 Compensation

The compensation of department heads shall be set by resolution of the commission.



ARTICLE VI

GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 2027.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of the State of Montana.

Section 6.04 Right of Initiative

The citizens of Beaverhead County retain the right of initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

The elected officers of county government may be recalled by the qualified electors of Beaverhead County as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.06 Severability

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



ARTICLE VII

TRANSITIONAL PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Beaverhead County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions shall not be published as part of the Charter after January 1, 2027.

Section 7.02 Continuation in Office

No county employee currently holding a county office will lose employment solely because of the adoption of this Charter. Elected officials holding office at the time this Charter is adopted may continue in office until the end of the term for which they were elected, at which time the offices of elected department heads not enumerated in Section 5.01 shall be vacated.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Beaverhead County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 2027.

We, the Study Commissioners of Beaverhead County do hereby certify that this is the proposed plan of government approved by the Study Commission of Beaverhead County.



In testimony whereof, we set our hands.

Done in Dillon Montana, this ____ day of _____ 2026.

Study Commissioners:

Brooke Erb _____

Taylor Rose _____

Rebecca Jones _____

ATTEST: Stacey Reynolds, Clerk & Recorder Date _____

SEAL



CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 3, 2026 GENERAL ELECTION

Instructions to voters: Place and "X" in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON ALL ISSUES

1. Vote for One:

☐ For adoption of the commission form of government with a self-government charter proposed for Beaverhead County proposed by the Beaverhead County Local Government Study Commission.

☐ For the existing commission form of government.

There is no sub-option for adoption.



We, the Study Commissioners of Beaverhead County do hereby certify that this is the official ballot approved by the Study Commissioners of Beaverhead County.

In testimony whereof, we set our hands.

Done in Dillon, Montana, this ____ day of _____, 2026.

Study Commissioners:

Brooke Erb _____

Taylor Rose _____

Rebecca Jones _____

ATTEST: Stacey Reynolds, Clerk & Recorder Date _____

SEAL



CERTIFICATE

ESTABLISHING THE DATE OF THE GENERAL ELECTION

AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT

SHALL BE PRESENTED TO THE ELECTORS OF

BEAVERHEAD COUNTY, MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Beaverhead County at a special election to be held with the general election on November 3, 2026.

We, the Study Commissioners of Beaverhead County do hereby certify that this is the official ballot approved by the Study Commissioners of Beaverhead County.

In testimony whereof, we set our hands.

Done in Dillon, Montana, this ____ day of _____, 2026.

Study Commissioners:

Brooke Erb_____

Taylor Rose_____

Rebecca Jones_____

ATTEST: Stacey Reynolds, Clerk & Recorder Date_____

SEAL