



ORDINANCE 2100

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RECOGNIZING AND DESIGNATING JUNE 19TH AS *JUNETEENTH NATIONAL FREEDOM DAY*, AND DESIGNATING JUNE 19TH AS THE LOCAL *JUNETEENTH HOLIDAY*.

WHEREAS, Mont. Const. [Art. XI, § 4](#) mandates to liberally construe the powers of incorporated cities, and Mont. Const. [Art. XI, § 6](#) of the Montana Constitution expressly authorizes a local government unit with self-government powers to exercise any power not prohibited by the constitution, law, or charter; and

WHEREAS, the [Bozeman City Charter](#) establishes that the City of Bozeman is a local government that has adopted self-government powers which must be liberally construed; and

WHEREAS, there is no express prohibition in the Montana Constitution or the Bozeman City Charter that prevents a local government from establishing a local holiday; and

WHEREAS, there is no express prohibition in Mont. Code Ann. §§ [7-111](#), [112](#), or [114](#) that prevents a local government from establishing a local holiday; and

WHEREAS, there is no state agency or office directed to establish administrative rules or oversee the enforcement of a local government establishing a local holiday; and

WHEREAS, the power to establish a local holiday has not been affirmatively delegated to the State of Montana; and

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WHEREAS, the State of Montana observes [*Juneteenth national freedom day*](#) on the third Saturday in June; and

WHEREAS, on June 17, 2021, in honor of the passage of the Emancipation Proclamation and the issuing of General Order No. 3, and to commemorate the end of slavery in the United States, the [*Juneteenth National Independence Day Act*](#) became federal law and a paid, legal holiday during which all federal offices are closed to the public, and

WHEREAS, the City of Bozeman's [*Strategic Plan 3.3*](#) establishes the city's goal of ensuring that it is a friendly community that "welcome[s] diversity through policies and public awareness"; and

WHEREAS, because it is in the best interest of the citizens of Bozeman to celebrate and honor the invaluable contributions of diverse cultures and because the City of Bozeman strives to be an inclusive and welcoming community, the City of Bozeman now clarifies its legal, public holidays.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF BOZEMAN, MONTANA:**

Section 1

That a new section of the Bozeman Municipal Code Sec. 2.01.020 is hereby adopted as follows:

Sec. 2.01.020. – Juneteenth National Freedom Day.

June 19th of every year is recognized as *Juneteenth National Freedom Day* ("Juneteenth") and is a legal, public holiday in the city. The local day of celebration of the *Juneteenth* holiday shall occur on June 19th. If this holiday falls on a Sunday, the Monday following is the holiday. If this holiday falls on a Saturday, the Friday preceding is the holiday. All city offices are closed on the day of the holiday and employees shall be granted a paid holiday according to city policies.

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Section 2

Except as indicated in Sections 1 and 2 of this ordinance, the City of Bozeman recognizes and observes all other [State legal holidays](#).

Section 3

The City Manager is authorized to establish policies and procedures to implement this ordinance.

Section 4

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this ordinance shall remain in full force and effect.

Section 6

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

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Section 7

Codification.

Sections 1 of this ordinance shall be codified and included as new sections, as written above, in Chapter 2, Article 1 of the Bozeman Municipal Code, which is currently entitled *Administration: In General*. Bozeman Municipal Code shall be amended to include new section, Sec. 2.01.020, as set forth in Section 1 of this ordinance.

Section 8

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the ⁸____ day of ^{March}____, 2022.

DocuSigned by:



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CYNTHIA L. ANDRUS

Mayor

ATTEST:

DocuSigned by:



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MIKE MAAS

City Clerk

DocuSigned by:



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FINALLY PASSED, ADOPTED AND APPROVED by the City Commission of the
City of Bozeman, Montana on second reading at a regular session thereof held on the 26 of
April, 20²². The effective date of this ordinance is ^{May} , 26, 20²².

DocuSigned by:



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CYNTHIA L. ANDRUS

Mayor

ATTEST:

DocuSigned by:



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MIKE MAAS

City Clerk

APPROVED AS TO FORM:

DocuSigned by:



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GREG SULLIVAN

City Attorney