



## ORDINANCE 2109

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, REPLACING THE TERM *COLUMBUS DAY* WITH *INDIGENOUS PEOPLES' DAY*, AND DESIGNATING THE SECOND MONDAY OF OCTOBER AS THE LOCAL *INDIGENOUS PEOPLES' DAY* 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 *Columbus Day* as a legal, public holiday that is recognized as a paid, legal holiday on the second Monday in October during which all offices of state and local government are closed to the public; and

WHEREAS, the City of Bozeman replaces the term *Columbus Day* with *Indigenous Peoples' Day* to memorialize and commemorate an accurate representation of the history of indigenous people in the United States; 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 designated legal, public holidays, and all related references in the Bozeman Municipal Code.

**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. 2.01.030 is hereby adopted as follows:

**Sec. 2.01.030. – Indigenous People's Day.**

The city recognizes the second Monday of October as *Indigenous Peoples' Day*, and replaces the term *Columbus Day* with the term *Indigenous Peoples' Day*. Any reference to *Columbus Day* in any provision of this code, ordinance, administrative order, or other official city document shall be referenced to as *Indigenous Peoples' Day*. The city recognizes *Indigenous Peoples' Day* as a legal, public holiday. The local day of observation of *Indigenous Peoples' Day* shall occur on the

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second Monday of October, during which all city offices are closed and employees shall be granted a paid holiday according to city policies.

**Section 2**

That Section 2.02.070.A is amended as follows:

Sec. 2.02.070. - Meetings.

A. General/regular meetings.

1. The city commission shall hold a regular meeting on each of the first four Tuesdays of every month except for Tuesdays immediately following all legal or national holidays falling on a Monday, ~~with the exception of Columbus Day~~. The city commission may hold a regular meeting on the fifth Tuesday of the month. The commission shall meet in regular session from 6:00 p.m. to no later than 10:00 p.m. in the City Commission Room, City Hall, 121 North Rouse Avenue, or in an alternative location as duly noticed to the public. However, when the day affixed for any regular meeting of the commission falls upon a day designated by law as a legal or national holiday, such meeting may be scheduled at the same hour on the next succeeding day not a holiday or the meeting may be canceled by the commission.
2. The meeting may be extended beyond the time specified in subsection A.1 of this section by the mayor or a majority vote of the members of the commission should additional matters remain on the commission agenda.
3. Any meeting of the commission may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular or specially scheduled meeting.
4. The mayor or majority of the commission may cancel a regular meeting if no business is scheduled for that meeting.

**Section 3**

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

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**Section 4**

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

**Section 5**

**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 6**

**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 7**

**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.

**Section 8**

**Codification.**

Sections 1 and 2 of this ordinance shall be codified and included as a new section, as written above, in Chapter 2, Article 1 of the Bozeman Municipal Code, which is currently entitled

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*Administration: In General.* Bozeman Municipal Code shall be amended to include new section Sec. 2.01.030, as set forth in Section 1 of this ordinance.

**Section 9**

**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 <sup>28</sup>\_\_\_\_ day of <sup>June</sup>\_\_\_\_, 20<sup>22</sup>\_\_.

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**CYNTHIA L. ANDRUS**  
Mayor

ATTEST:

DocuSigned by:



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**MIKE MAAS**  
City Clerk

DocuSigned by:



**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 <sup>11</sup>\_\_\_\_ of July\_\_\_\_, 20<sup>22</sup>\_\_. The effective date of this ordinance is <sup>August</sup>\_\_\_\_, <sup>10</sup>\_\_\_\_, 20<sup>22</sup>\_\_.

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**CYNTHIA L. ANDRUS**  
Mayor

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ATTEST:

DocuSigned by:

Mike Maas

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**MIKE MAAS**  
City Clerk

DocuSigned by:



APPROVED AS TO FORM:

DocuSigned by:

Greg Sullivan

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**GREG SULLIVAN**  
City Attorney