FINAL REPORT

and proposed alternative form of government



submitted by

THE DAWSON COUNTY STUDY COMMISSION

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I. LETTER TO THE CITIZENS OF DAWSON COUNTY

To the Citizens of Dawson County:

The Dawson County Study Commission, elected by the people of Dawson County on November 8, 1994, offers this preliminary report for your consideration.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing the study, it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

The study commission sought advice and information from many people in the county. We solicited advice and recommendations from local government officials, community organizations and the public. This was done through open public meetings, written and oral interviews, surveys published in the local news media and questionnaires available at the county fair. We considered the thoughts and opinions offered, besides our own independent efforts.

In this report we present our recommendations for an alternative form of government that we feel will be an improvement over the present form. It consolidates power in the elective, nonprofessional, part-time commission and organizes the administration to better coordinate responsibility with authority. It also enables the local commission to deal more effectively with local concerns and problems.

Respectfully submitted,

Dawson County Study Commission

II. SUMMARY OF RECOMMENDATIONS

The Dawson County Study Commission recommends the adoption, effective January 4, 1999, of the commission-manager form of government with self-government powers. A commission of five (5) members shall be elected, three (3) members nominated from districts and two at-large. They will be elected for four (4) year terms. These terms will be overlapping.

The question of whether or not elections shall be conducted on a partisan or non-partisan basis shall be submitted to the voters of the county as a sub-option as authorized in 7-4-413 MCA.

The question of the form of government and the sub-option shall be submitted to the voters of Dawson County on November 5, 1996.

A. Findings of the Study Commission

Review of the information gathered indicated that the people currently working in county government feel that they provide excellent services. The most commonly expressed dissatisfaction was with discrepancy in salaries when considering responsibility.

We received only small numbers of input from the public compared with the population of the county. Comments were generally positive. Concerns and/or complaints that were most common included:

- 1. Lack of sufficient information being made easily available to the public.
- 2. Inequality of road maintenance and law enforcement in different areas of the county.
- 3. Three FULL TIME commissioners were unnecessary.
- 4. Partisan elections.

Another element of concern with both government officials and the public was the retaining of local control.

We emphasize that our own study found that, overall, the people involved in our county government have done well in accomplishing their duties within the limitations of the current structure. We believe that it would enable officials to

improve the efficiency of Dawson County Government by adopting the commission-manager form of Government. The adoption of a self-governing charter would allow for maximum local control of our county government to meet local needs.

B. Key Provisions of the Proposed Form

1. Self-Government Powers

Under the 1972 State Constitution, the potential power and authority of local government has been changed. Under the current form of government, the concerns of the county have been the prerogative of the state legislature. The legislature decided what county government should do and how it should do it.

The adoption of self-government powers would change that relationship between the state and the county. Certain areas of control would be transferred from the state legislature to the county commission. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the needs of our particular county. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and more responsibility.

2. Separation of Legislative and Administrative Functions

In its traditional role as an administrative arm of state government the organizational structure of the county may have been adequate. The structure of the number of separate elective offices, along with a three-member commission has weaknesses that do not allow it to adequately handle the increased responsibility in county government.

The <u>purpose</u> of government remains the same--<u>providing those services that are necessary to a society which cannot better be provided by us as individuals</u>. The method of providing those services has become increasingly complex with changes in technology, information and public demand.

The complexity in government is clear when you study the duties and responsibilities of our elected officials and department supervisors. When these jobs were less complicated, the requirements to file for an elected office may have been sufficient. Most require only that the office holders be at least 18 years old, a

citizen of the United States, and a registered voter of Dawson County. Now, these simple requirements are not adequate for the knowledge, skills, and abilities necessary to administrate their duties.

Our proposal includes a structure which would hire nearly all department heads based on merit. This would encourage qualified people, who are reluctant to campaign for a political office, to apply for the position. It would also allow the county manager the authority as well as the responsibility to see that county government operates in the most efficient way possible. For example, staff could be cross trained and assigned where the work load requires. The only elected county official besides those that preside over the county courts would be the commissioners and the county attorney.

3. Chief Administrative Office

The county manager, hired by the commission on the <u>basis of merit only</u>, is responsible for the administration of the programs and policies determined by the commission. Subject to the commission's general direction, the manager controls the hiring and firing of county personnel, directs and supervises the administration of all departments, prepares the budget, and is in charge of the business affairs of county government. The manager serves at the pleasure of the commission and may be replaced at any time.

4. Representation

Creating a commission of five (5) members will provide a legislative body large enough to insure adequate representation and small enough to be efficient.

III. COMPARISON OF THE EXISTING FORM OF GOVERNMENT AND THE PROPOSED FORM OF GOVERNMENT

A. EXISTING FORM

Description of General Characteristics

Policy-Making and Administrative Structure

The current form of county government has existed in Dawson County since the creation of the county. It is basically the same government as described in the 1889 constitution; in structure and powers it reflects its role as an administrative arm of state government. It can best be described as a collection of somewhat autonomous administrative offices consisting of a commission of three members and eight elected officials. In addition, many boards, commissions, and special districts operate within county government.

The three-member board of county commissioners is elected by the voters of the county for six-year overlapping terms; the term of one commissioner expires every two years. Each commissioner must reside in the district he or she represents, but commissioners are elected at-large on a county-wide basis. Elections are partisan.

The commissioners serve as the executive branch of the county government and are responsible for the administration of the business affairs of the county as outlined in state law. They approve the county budget, levy taxes, issue bonds, enter into contracts, approve claims, and may buy, sell and lease county property. They also have the responsibility to appoint members of boards and commissions and any department heads who are not elected.

Under the existing form of government, county commissioners have rather limited authority to supervise officials and employees of the county government. They can supervise those whom they appoint, but the only control they have over departments headed by elected officials is through the county budget. They also have some authority over the salaries and number of deputies which the elected officials may have.

In addition to the three commissioners, there are eight other elected officials under the existing form of government:

Sheriff
County Attorney
Clerk and Recorder
County Superintendent of Schools
Coroner
Public Administrator
Treasurer
Clerk of District Court

In earlier years, a surveyor was also elected, but this is not a full-time position, and survey work is hired or contracted when needed. In 1993 the offices of the Clerk and Recorder and the Assessor were combined as an elected position. This elected official has no duties or responsibilities connected with the Assessor's office and receives no additional salary. The assessment work is the obligation of the State of Montana.

The salaries as well as the powers and duties of these officials are determined by state law under the existing form, and each official is nearly independent from the supervision of the commissioners or from any other central administrative authority.

Numerous boards, commissions and special districts also operate in the county to administer services. These governmental bodies range in authority from advisory agencies which are subordinate to the commissioners, to those which operate independently of commission control. Members of these various boards may be appointed by the county commissioners or, in some cases, are elected.

Structures for the Delivery of Services

In some instances the county is acting as an agent of the state in providing services such as elections, property tax collections and so forth, but increasingly county government is involved in providing urban-type services. Major county provided services include:

Elections
Record keeping functions

Financial administration
Maintenance of roads and bridges
Agricultural and rural services
Public safety and judicial administration
Social services
Recreation
Parks
Planning and development

Under the existing form of government, some services are provided by elected county officials (i.e., the Clerk and Recorder, Treasurer, Sheriff, etc.) while others such as libraries, health services, fire protection, etc. are provided by appointed department heads or appointed or elected boards. In some cases, the boards and districts provide services in instances in which the county, under existing state law, does not have the authority to provide services directly.

Power and Authority of County Government

One of the most important provisions in the proposed form of government is self-government powers. Under the existing form of government, Dawson County operates with limited powers which are restricted by the so-called "Dillon Rule." This judicial interpretation states that local government has only those powers specifically granted to them by the state legislature. It further provides that if there is any doubt as to the existence of a local government power, the power is to be denied.

B. PROPOSED FORM

Description of General Characteristics

Policy-Making and Administrative Structure

Under the commission-manager form, five commissioners are elected. Terms are four years and are overlapping. The question of whether or not commissioners should be elected on a partisan or non-partisan basis will be determined by the voters on November 5, 1996.

The commission would make policy, pass ordinances and resolutions, review, modify, and approve the budget, determine the department structure of county

government, appoint boards which are continued and possibly eliminate other boards and place their functions under direction of the manager. The commission also appoints the county manager and can replace him or her at any time.

The manager is responsible for carrying out the policies that are set by the commission. He would prepare the budget, hire and fire employees (except as provided by law or ordinance), and supervise all departments. The manager would provide centralized administration and county-wide coordination of government operations.

Administrative responsibility and authority are centralized under the office of the manager. The manager has no vote on the commission and no veto authority over commission ordinances and resolutions. The manager is responsible to the commission.

Service Delivery Structure

In the proposed form of government, the county commissioners could decide whether or not to provide services directly or whether to use a board or special district. Under the existing system these decisions are made at the state level. The commission could create departments which would provide services directly and under the central administration of the manager. Commissioners could, for example, create a Rural Services Department which would enable the county to provide weed control, county fair, extension, and predator control services rather than having to go through a board or special district. Accountability and responsibility could then be pinpointed in the commission and their manager rather then in several elected officials, boards, and special districts.

Power and Authority

The Montana Constitution of 1972 and state laws passed in 1975 gave the power to voters in Montana counties to choose a different kind of power and authority for their county government. It is called "self-government powers." Self-government powers means that a local government with those powers can take any action or engage in any activity unless specifically prohibited by the state or U. S. Constitution, state law or local charter. The local unit is free to act unless prohibited.

In a law adopted in 1975, the state legislature stipulated those powers and authority which would be denied to local governments with self-government powers. In a few pages the legislature reserved a series of powers and functions to the state. Most of the powers denied to local government were retained by the state because of the necessity of state-wide uniformity in several important areas such as the conduct of elections, law affecting private or civil relationships, fish and game, etc. or to safeguard "due process" and individual rights of the citizens of the state.

Even with these limitations, local governments adopting self-government powers will have the freedom to determine their own internal structure including departments, boards, bureaus, and commissions and to determine the type, level and method of providing services such as roads, health services, fire and police protection, libraries, parks, water and sewer services, etc.

C. COMPARISON OF SPECIFIC CHARACTERISTICS OF EXISTING AND PROPOSED FORMS OF GOVERNMENT

The following chart compares the characteristics of the existing form of county government with the proposed form of government.

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DAWSON COUNTY COMPARISON OF SPECIFIC CHARACTERISTICS OF THE COMMISSION FORM AND COUNTY MANAGER FORM OF GOVERNMENT

THE COMMISS	SION FORM AND COUN	I Y MANAGER FORM	OF GOVERNMENT
CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission	COMMISSION- MANAGER FORM Elected Commission determines policy. Manager hired to administer policy.	Separation of legislative and administrative responsibilities. Manager appointed on basis of experience and training.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	SELF-GOVERMENT POWERS County government may exercise any power which the state does not deny. Legislative power is vested in the Commission	Self-government powers bring to the county the power to act in its own best interest, and flexibility in shaping government structure.
Governing Body Size	3 commissioners nominated by district, elected at large.	5 commissioners, 3 nominated by district in which each must reside, and elected at large, and 2 are nominated and elected at large.	Increase in the size of the commission will allow greater representation. District representation assures viewpoints from all sections of the county. At-large commission will offer county-wide perspective.
Election	Partisan	To be determined by vote.	Local government issues are usually non-partisan. Commission can concentrate on efficient delivery of services.
Term	6 year overlapping terms.	4 year overlapping terms.	Shorter terms increase responsiveness.
Presiding Officer	Chairman-Elected from own members.	Chairman -Elected from own members.	No change.
Duties	Commission is responsible for executive and many administrative functions.	Commission is the legislative policy making body.	Frees commission from administrative responsibilities to concentrate on policy-
	Administrative powers are shared with other elected officials.	Hires a professional manager to administer all departments.	making role.

DAWSON COUNTY COMPARISON OF SPECIFIC CHARACTERISTICS OF THE COMMISSION FORM AND COUNTY MANAGER FORM OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Other Elected Officials	8 elected officials Clerk and Recorder County Attorney Sheriff Treasurer Clerk of District Court School Superintendent Coroner Public Administrator	I elected official County Attorney	Independent offices except for county attorney brought under supervision of manager. Qualifications for offices can be established.
Chief Administrative Officer	NONE Administrative responsibility shared by commissioners, elected officials, and various boards.	COUNTY MANAGER Directs and supervises the administration of all departments except the county attorney's office.	Better overall coordination is possible. Clear lines of authority and responsibility.
Appointment Powers	Commission appoints department heads not elected, members of boards, commissions, special districts.	COMMISSION: Appoints and removes County Manager, members of boards and commissions. COUNTY MANAGER: Appoints and removes all non-elected department heads and employees and temporary advisory committees.	Department heads appointed on basis of qualifications. Responsible to County Manager. Members of boards and commissions continue to be appointed by the commission.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission.	Manager prepares budget. Commission modifies and/or approves.	Manager can balance priorities set by commission with available county-wide resources, also balance needs of individual departments with overall needs and resources of county.
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	County activities could be grouped into a few departments on basis of function. Services performed by departments under supervision of county manager.	Many functions now performed by independently elected offices or independent boards are brought under supervision of a professional manager and commission control.

D. RECOMMENDATION AND REASONS

The Dawson County Study Commission recommends a commission-manager form with self-government powers in the belief that such a government can best meet county needs.

It is true that the current system has served the county well, but we find that the recommended change would be an improvement in the following ways:

Government Structures with Adequate Checks and Balances

In the current form of government there is no separation between policy-making and administrative functions. A commission-manager form will provide a separation of legislative and administrative functions. Elected commissioners will determine which programs and services will be provided by the county; the manager's responsibility will be to administer those programs in the most effective, efficient manner.

Government that is Responsive to Citizens

County government must have adequate representation so that all interests in the county are represented; second, it must have sufficient authority so that it can take action when necessary; and third, it must have an administrative structure that can efficiently provide services and carry out programs.

The proposed increase to five (5) part-time commissioners should give wider representation in our county. The term of office for county commissioners would be reduced from 6 years to 4 years. More frequent elections should help ensure commissioners would be responsive to the people of the county. The shorter term of office, plus making it a part-time position could also stimulate greater interest in running for office. The commissioners would be policy-makers with the administrative tasks falling to the manager. This would mean that only periodic meetings would be necessary for these commissioners. This would enable anyone, even those who are employed full time, to serve as county commissioner. Due to the administrative duties under the current form of government, these positions are full time. This limits the people who can run for office.

County government can't be held responsible if it doesn't have the authority to act. The adoption of self-government powers would give more authority to county government to deal with local problems.

The current administrative structure does not provide centralized or administrative authority in county government. The fragmentation of authority is partly due to the many independent elected officials who are not formally coordinated. The commission-manager form would provide an administrative structure which establishes clear lines of responsibility and authority. The commission would have authority to pass ordinances and adopt policy. The manager would supervise and coordinate the many activities of county government, while still being responsible to the commission. The manager would provide a day to day presence for both the public and the employees.

With responsibility clearly fixed, citizens will know who to hold accountable for action or inaction.

Local Control Over Local Problems

Although county government will continue to perform many state-mandated functions and be subject to state law in areas where state-wide uniformity is desirable, the adoption of self-governing powers will increase the authority and the flexibility of county government to deal with local problems. Currently under general government powers, the function and organization of county government are regulated by state laws which are designed to apply to all counties in the state regardless of their different problems.

Counties with self-government powers can provide services and organize their internal affairs in the manner that seems best to them. They are free to act without waiting for approval of the state legislature when new problems or opportunities arise. Under the existing system, the county must wait for a legislative grant of power. It should be noted that if a county with self-government powers wished to provide services using the same methods as presently authorized for general power governments, they could still do so. The difference is that they do not have to do it in that manner. They are free to provide the service in whatever manner they find most suitable.

A Government Structure that Allows More Participation by Citizens

The study commission found that under the existing form of government there is very little public involvement. An example would be the lack of citizen attendance at county budget hearings.

Part of the lack of public involvement may be due to decisions being made during the course of the day. Citizens don't know when decisions will be made and therefore may not be able to participate. This situation should be alleviated with a part-time commission which schedules regular meetings for determining policy.

Government that is Efficient

At the present time, county government consists of somewhat autonomous administrative offices plus separate boards and special districts. Elected officials are independent of all but minimal budget control by county commissioners who have almost no authority to supervise them or to coordinate activities of various departments. The duties and functions of each officer are authorized in state law and any eligible voter, regardless of qualifications, can run for county office. While these officials feel they are responsible to the voters, the voters in fact rarely know if they perform their duties adequately.

The demands of efficiently running the very large business that county government has become, requires a centralized administration where someone with administrative training and experience is in a position to oversee all county government operations. This will make it possible to set program goals, coordinate activities, hire qualified people, and evaluate county operations. Adoption of a county-manager form would establish such a position. In addition, the county commission would have the authority to reorganize county government into departments on the basis of function and in the most economical way. The manager can hire personnel on the basis of their qualifications. Salaries could be determined based on qualifications, responsibility, and experience. This will provide clear lines of authority and responsibility, and the ability to work as an efficient unit.

The taxable value in 1994 was \$17,389,670 and increased slightly in 1995 to \$18,116,381. In recent years this value has ranged from a low of \$17,389,666 in 1993 to a high of \$29,365,423 in 1984. It is clear that with a declining county tax

base and a need for continued public services, local government must operate as efficiently as possible.

Due to the complexity of county government and the growing demand for service, it is the judgment of the Dawson County Study Commission that these problems can best be met through the adoption of the county-manager form of government with self-governing powers.

APPENDIX

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ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

DAWSON COUNTY, MONTANA

If retained by the voters, the government of Dawson 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, 1977, 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;
 - (i) 7-3-432(1);
 - (k) 7-3-433(1);
 - (1) 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 nominated 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.
- 7-3-413 (1). 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 and community councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.
- 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). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.
- 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). Treasurer. A treasurer shall be elected.
- 7-3-437 (6). Surveyor. A surveyor shall not be included in this form as a separate office.
- 7-3-438 (1). Superintendent of schools. A superintendent of schools shall be elected.
- 7-3-439 (6). Assessor. An assessor shall not be included in this form as a separate office.
- 7-3-440 (1). Coroner. A coroner shall be elected.
- 7-3-441 (1). Public administrator. A public administrator shall be elected.
- 7-3-442 (6). Auditor. An auditor shall not be included in this form as a separate office.

County do hereby certify that this is the existing Plan of Government as established

We, the Study Commissioners of Dawson

by Section 7-3-111 MCA.

SEAL

In testimony whereof, we set our hands.

Done at Glendive, Montana this 18 day of Guly, 1996.

Maurine Lénhardt, Clerk & Recorder

Mike Dryden, Chairman

Delores Copping

CERTIFICATE ESTABLISHING THE PROPOSED CHARTER OF THE COUNTY OF DAWSON

PREAMBLE

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

ARTICLE I POWERS OF THE COUNTY

Section 1.01 Powers of Dawson County

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

Section 1.02 Interpretation of Powers

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

Section 1.03 Restrictions

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 county election.

Section 1.04 Charter Supremacy

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

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 County Commission

The elected legislative body of Dawson County shall be the board of county commissioners.

Section 2.02 Governing Body

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

Section 2.03 Composition

Dawson County shall have a county commission of five (5) members who shall serve on a part time basis.

Section 2.04 Qualification for Office

Every resident of Dawson County who is 18 years of age or older and a citizen of Montana 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 four (4) year overlapping terms of office.

Section 2.06 Election

- 1. Commissioners shall be elected on a partisan or non partisan basis (to be determined at the November 5, 1996, special election).
- 2. One commissioner shall be nominated from each of three (3) districts in which candidates must reside and which are apportioned by population. These three commissioners shall be elected at large. Two (2) additional commissioners shall be nominated and elected at large.

Section 2.07 Division of the County into Commissioner Districts

Following each decennial federal census, the board of county commissioners shall divide the county into three (3) commissioner districts, as compact and equal in population as possible.

Section 2.08 Vacancy in Office

The office of commissioner under this Charter 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 three (3) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Dawson 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 in the same manner as the election of any other person holding the same office, 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, by the affirmative vote of (3) three commission members, appoint a person possessing the qualifications set forth at Section 2.04, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.11 Chairman of the Commission and Presiding Officer

The commission shall have a chairman of the commission who shall be elected by the members of the commission from their own number for a term established by resolution. The chairman of the commission shall be the presiding officer of the commission. In the absence of the chairman, the commission shall designate one of their number to serve as presiding officer.

Section 2.12 Powers and Duties

1. The Commission shall be the legislative and policy determining body of the county. All powers of the county shall be vested in the county 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.

- 2. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.
- 3. The commission shall exercise its governing power through the adoption of lawful ordinances and resolutions.

Section 2.13 Legislative Action

The affirmative vote of three (3) members of the commission shall be required for all official actions of the commission. A minimum of three (3) commission members must be present when official actions are taken by the commission.

Section 2.14 Procedure

The commission shall establish its rules of procedure and time and place of meetings by resolution.

Section 2.15 Compensation

The compensation of commission members shall be set by ordinance adopted at least six (6) months prior to each county general election. The commission may determine the compensation of its members for the ensuing two years. Commissioners shall also be compensated for per diem and travel expenses as provided by law.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Manager

The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by the affirmative vote of three (3) members of the commission.

Section 3.02 Duties of the Manager

The manager shall:

1. enforce laws, Charter, ordinances, and resolutions;

- 2. perform the duties required of him by law, Charter, ordinance, or resolution;
 - 3. administer the affairs of the county government;
- 4. direct, supervise, and administer all departments, agencies, and offices of the county government except those departments with an elected department head, and as otherwise provided by law, ordinance or this Charter;
 - 5. carry out policies established by the commission;
 - 6. prepare the commission agenda;
- 7. compile recommendations from the advisory boards for presentation to the commission;
 - 8. recommend measures to the commission;
- 9. report to the commission on the affairs and financial condition of the county government;
- 10. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
 - 11. report to the commission as the commission may require;
- 12. attend commission meetings and may take part in the discussion, but may not vote;
- 13. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- 14. appoint, suspend, and remove all employees of the county government in accordance with procedures established by the commission except as otherwise provided by law, ordinance or this Charter;
- 15. appoint members of temporary advisory committees established by the manager.

Section 3.03 Administrative Duties

Employees appointed by the manager and his or her subordinates shall be administratively responsible to the manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his or her subordinates are empowered to appoint. Except for the purpose of inquiry or investigation under this Charter, the commission or its members shall deal with the county government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.04 Compensation

The compensation of the manager shall be set by ordinance of the county commission.

ARTICLE IV JUDICIAL

Section 4.01 County Court

There shall be such county courts as prescribed by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 County Officers - Elected Department Heads

The county attorney shall serve as a department head and have the powers and duties prescribed by law, this Charter and ordinance.

Section 5.02 Qualifications for Office

Qualifications for the office of county attorney shall be as prescribed by law.

Section 5.03 Term of Office

County officers shall be elected for a four (4) year term of office.

Section 5.04 Election

County officers shall be nominated and elected at large on a partisan or nonpartisan basis depending upon the outcome of the November 5, 1996, special election.

Section 5.05 Vacancy in Office

The office of a county officer becomes vacant as prescribed by law.

Section 5.06 Removal from Office

A county officer may be removed from office by a finding, adopted by the affirmative vote of three (3) commission members, that the office has become vacant as prescribed by law, or by the recall of the county officer by the electors of Dawson County, as prescribed by law.

Section 5.07 Filling Vacancy of County Officer

When a vacancy occurs in the office of a county officer, 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 three (3) 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 Organization of Other Departments

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

Section 5.09 Compensation

The compensation of county officers and all other appointed department heads shall be set by ordinance 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 4, 1999, when the new governing body is sworn into office.

Section 6.03 Oath of Office

Before entering upon 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 Montana.

Section 6.04 Recall

Elected officials may be recalled by the qualified electors of Dawson County as provided by law. No elected official may be recalled for performing a mandatory duty of the office or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.05 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 Dawson Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after the first Monday in January of 2000.

Section 7.02 Continuation in Office

The members of the governing body holding office on the date the new plan of government is adopted by the electors of the local government may continue in office and in the performance of their duties until the governing body authorized by the plan has been elected, qualified, and sworn into office, whereupon the prior governing body is abolished.

All other employees holding offices or positions, whether elective or appointive, may continue in the performance of the duties of their respective offices and positions until provisions are made for the performance or discontinuance of the duties or the discontinuance of the offices or positions.

Existing elected county officers not enumerated in Section 5.01 may continue in office until the end of the term for which they were elected or may be

retained as local government employees until the end of the term for which they were elected, and their salaries may not be reduced during that term.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Dawson 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 and resolutions to provide for compliance and consistency with this Charter and law no later than the first Monday in January of 2000.

Section 7.04 Initial Compensation

Members of the commission shall receive a monthly salary in the amount of \$300 until such amount is changed by the commission in accordance with the provisions of this Charter.

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

SEAL

In testimony whereof, we set our hands.

Done at Glendive This 1996 day of

Maurine Lenhardt, Clerk & Recorder

Mike Dryden, Chairman

Delores Copping

Marvin D. Tweet

FOR THE APPORTIONMENT OF COMMISSIONER DISTRICTS

Districts described by census block with population and deviation from ideal are shown.

DISTRICT	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	3161	-0.2
2	3147	-0.7
3	3197	+0.9

NOTES:

- 1. Ideal population is calculated by dividing the total 1990 population of Dawson County by the number of districts (9,505/3 = 3,168)
- 2. The 1990 population is derived from the U.S. Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

We, the Study Commissioners of Dawson County do hereby certify that this is the official apportionment plan for Dawson County commissioner districts approved by the Dawson County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Glendive, Montana this $\frac{18}{2}$ day of Order, 1996.

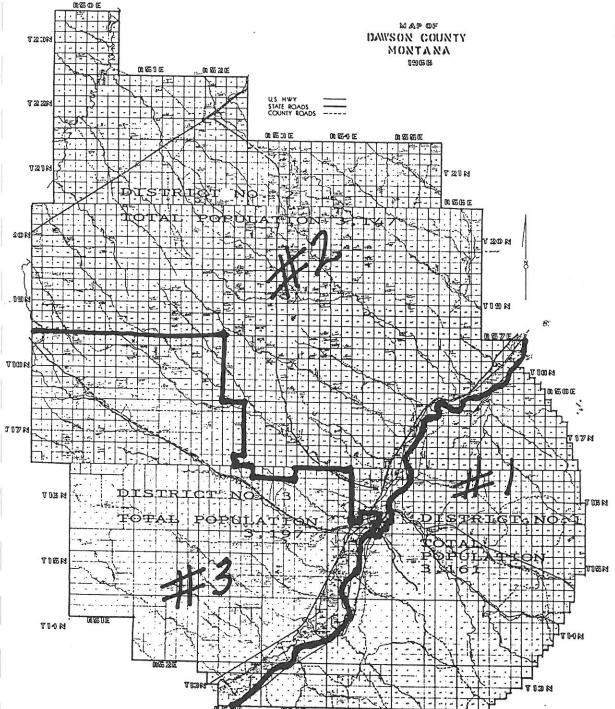
ATTEST: Maurine Lenhardt, Clerk & Recorder

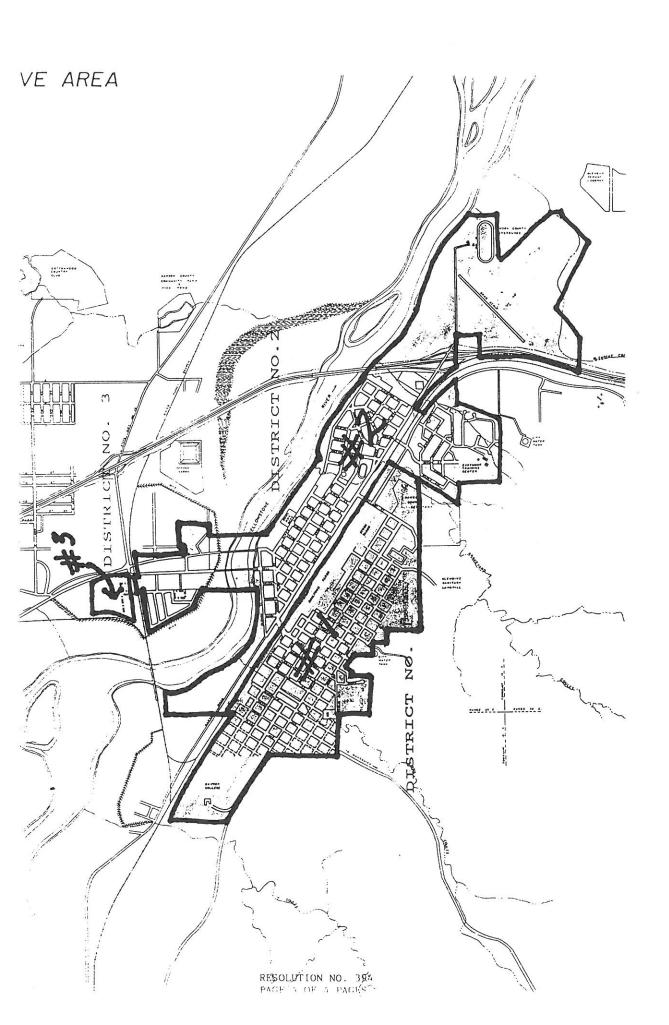
Mike Dryden, Chairman

Delores Copping

Marvin D. Tweet

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ESTABLISHING THE DATE OF THE SPECIAL ELECTION

AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT

SHALL BE PRESENTED TO THE ELECTORS OF

DAWSON COUNTY, MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Dawson County at a special election to be held with the general election on November 5, 1996.

We, the Study Commissioners of Dawson County do hereby certify that this is the date of the special election approved by the Dawson County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Glendive, Montana this 18 day of Guelly, 1996.

ATTEST: Mulline Denhaudt
Maurine Lenhardt, Clerk & Recorder

Mike Dryden, Chairman

Delores Copping

Marvin D. Tweet

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ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 5, 1996 SPECIAL ELECTION

Instructions to voters: Place an "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 self-government charter with a commission manager plan of government proposed for Dawson County proposed by the Dawson County Local Government Study Commission.
- [] For the existing commission form of government.

2. Vote for One.

Sub-option to be included in the new form of government, if it is adopted.

Local government elections:

[] shall be conducted on a partisan basis.

[] shall be conducted on a non-partisan basis.

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

SEAL

In testimony whereof, we set our hands.

Done at Glendive, Montana this 18 day of July, 1996.

ATTEST: Maure Denhacit	Mike Dryden
Maurine Lenhardt, Clerk & Recorder	Mike Dryden, Chairman
	Delores Copping Delores Copping
	Delotes Copping 00 0
	Marvin D. Tweet
	Marvin D. Tweet

CERTIFICATE ESTABLISHING THE DATES OF THE

FIRST PRIMARY AND GENERAL ELECTIONS

FOR OFFICERS OF THE NEW GOVERNMENT

OF DAWSON COUNTY, MONTANA

IF THE ALTERNATIVE PROPOSAL IS APPROVED

AND ESTABLISHING THE EFFECTIVE DATE OF

THE PROPOSAL, IF APPROVED

The date of the primary election for officers of the new government of Dawson County, Montana shall be held at a special election on June 2, 1998.

The date of the general election for officers of the new government of Dawson County, Montana shall be held at a special election on November 3, 1998

The effective date of the alternative plan of local government of Dawson County, Montana takes effect when the new officers take office on January 4, 1999.

> We, the Study Commissioners of Dawson County do hereby certify that these are the dates of the special primary and general elections and the effective date of the alternative plan of local government of Dawson County, Montana approved by the Dawson County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Glendive, Montana this /8day of July, 1996.

Maurine Lenhardt, Clerk & Recorder

Mike Dryden, Chairman

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