LOCAL GOVERNMENT STUDY COMMISSION

TENTATIVE REPORT



PUBLIC MEETING

WED., JULY 9, 1986

7:30 P.M.

RIVERSIDE PARK

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June 23, 1986

To the Citizens of Miles City:

At your request, the Miles City Study Commission has reviewed the existing government of Miles City, and studied the other forms of government available under state law.

Over the past year and a half, we have sought the views, advice and information from those people currently in city government as well as former city officials and study commissioners; scheduled a public hearing to obtain input from Miles City residents; and conducted a telephone survey to identify any additional concerns of Miles City citizens.

Based upon our study and review, we offer our Preliminary Report and recommend the City of Miles City adopt the Council-Manager form of government. Our concern has been to offer a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. This form of government offers the citizens a full-time administrator. Our Opinion Survey indicated that a clear majority, 61.6% of Miles City residents contacted, supported the concept of full-time, professional administration of city government affairs. We believe this form of government will provide the most efficient, effective and economic delivery of services to the citizens of Miles City. (See page 5 for more detailed information on the proposed Council-Manager form of government.) Since our proposal recommends a five-member council, please refer to the map on pages 8 and 9 to review the proposed commissioner districts. In addition, we offer the citizens of Miles City a choice of partisan or non-partisan local government elections. A copy of the official ballot appears on page 11.

The Study Commission is holding a public meeting at Riverside Park, Wednesday, July 9, 1986 at 7:30 p.m., to gather additional ideas, input and information as well as to discuss the contents of our Preliminary Report. Our final report will be presented to the citizens of Miles City no later than August 20, 1986.

Respectfully submitted,

Janet R. Kell

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Ronald E. Gersack

Toake

Martin E. Lawrenz

Edith Botnen

COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT

EXISTING MAYOR-COUNCIL (COMMISSION-EXECUTIVE) FORM

The mayor-council form of government is familiar to the people of Miles City. The mayor or executive, who is elected, becomes the chief administrator for the city. The members of the city council, who are also elected, set policy through approval of resolutions and ordinances. They also participate in the administration of government as members of various city council committees and they are a common feature of the mayor-council form. There is a blurring of roles between the executive and legislative branches of government.

Executive or Administrative Role

The mayor has well defined duties which are described by state law. The mayor also acts in conjunction with the council in these areas: appointment powers, administrative supervision and control, and budget preparation.

The mayor may veto ordinances and resolutions which are subject to a two-thirds over ride vote of the city council. The mayor may only vote to break tie votes of the council.

The mayor's job is part time. The daily business of the city is usually carried out by appointed personnel.

Since the administrator is elected, the community can count on having local leadership in their city government.

A common concern about the mayor-council form of government is that the voters cannot be certain that the people running for mayor have the expertise needed to manage government. Even if qualified people run there is also the concern that they may not be elected or re-elected.

Legislative Role

The council consists of eight elected representatives, two of whom are elected from each of four districts or wards on a partisan basis. This system assures board representation and responsiveness to the voters. The council is primarily responsible for policy making.

Leadership in government is typically a joint responsibility between the mayor and council members.

PROPOSED COUNCIL-MANAGER FORM

The council-manager form of government is characterized by having an appointed adminsitrator and an elected policy making body. There is a clear distinction between the executive and legislative branches of government.

Administrative or Executive Role

The manager is hired and removed by the council. Selection is based on experience and training. The manager administers local government affairs. This includes selecting and removing employees, supervising employees, preparing the budget for council approval, implementing the budget and preparing the council agenda.

Legislative Role

The elected council (commission) sets government policy through adoption of ordinances and resolutions. The manager may present information and possible options to the council for discussion which helps to provide a framework for decisions. The decisions of the council are carried out by the manager.

Five council members elected from five districts are proposed. This method of election should assure adequate representation and accountability. A sub-optional choice on the method of election is proposed. Should council members be elected by party (partisan basis) or with no party affiliation (nonpartisan basis)? Some people believe that the requirement for party affiliation discourages potential candidates from running for office. Others question the need for partisan politics at the local level. Supporters of partisan elections think that party support strengthens the elective process, creates interest in local elections and defines issues more clearly.

Role of Mayor

The chairman of the council will be selected by the council members. The chariman, who may be called the mayor, presides at council meetings and participates in the voting with the rest of the council members. This mayor has little resemblance to the mayor of the council-mayor form of government. The mayor in a commission-manager form of government does not administer government. He or she participates in the usual official and/or ceremonial duties of a mayor, but has powers which are essentially the same as those of other council members.

Less time is demanded of public officials under this form of government because the administrator is responsible for the daily management of the city. It does make it easier for people who are employed to run for the office of council member or mayor.

A typical concern about this form of government is that the manager has too much power, is not a home town person, and is not as directly accountable to the voter as an elected executive.

CHARACTERISTIC

EXISTING FORM OF GOVERNMENT

PROPOSED FORM OF GOVERNMENT

Form of Government

Council-mayor.

Elected council and separately

executive (mayor).

Council-manager.

Elected council determines policy.

Manager is hired to administer

policy.

COMMENTS: Separation of executive (administrative) and legislative powers is blurred with council-mayor form. With commission-manager form the executive and legislative powers are separated. The manager is appointed on the basis of experience and training.

Powers

General government powers.

General government powers.

COMMENTS: No change.

Governing Body

Council and mayor responsible for all legislative, executive and adminis-

trative functions.

The council makes policy. It hires a manager to carry out decisions and administer government.

COMMENTS: The council is freed from administrative role to concentrate on policy making role.

Chief
Administrative and
Executive Officer

The elected mayor administers government on a part time basis.

The hired administrator (manager) administers government on a full time basis.

COMMENTS: The voters now determine who shall administer government. The proposal allows the council to hire the administrator on the basis of merit.

Presiding Officer

The mayor who is elected by the voters.

A chairman who may be called mayor is selected by the council.

COMMENTS: The chairman presides at council meetings and represents the city at official or ceremonial functions, but has essentially the same powers as the rest of the council.

Term of Office

Four year overlapping

Four year overlapping.

COMMENTS: No change.

CHARACTERISTIC

EXISTING FORM OF GOVERNMENT

PROPOSED FORM OF GOVERNMENT

Election

Partisan.

Partisan or nonpartisan.

COMMENTS: Voters will decide as a sub-optional choice.

Size of Council

Eight members, two from each of four districts.

Five members, one from each of five districts.

COMMENTS: Will allow for full representation of the city, yet provide an efficient size for the legislative function.

Appointive Powers

The mayor appoints department heads and members of boards and commissions with the consent of the council.

The council appoints and removes the manager. The manager appoints department heads and employees. The chairman of the council (who may be called the mayor) appoints members of boards and commissions with the consent of the council.

COMMENTS: Department heads are appointed on the basis of their qualifications under both forms. The members of advisory boards and commissions are appointed by the mayor with the consent of the council under both forms. The council is responsible for appointing the manager.

Budget Preparation

The mayor prepares the budget with department heads. The council discusses, modifies and adopts the budget.

The manager prepares the budget which is discussed, modified and adopted by the council.

COMMENTS: The manager can balance the priorities set by the council with available resources, and also balance the needs of each department with overall needs and the resources of the community.

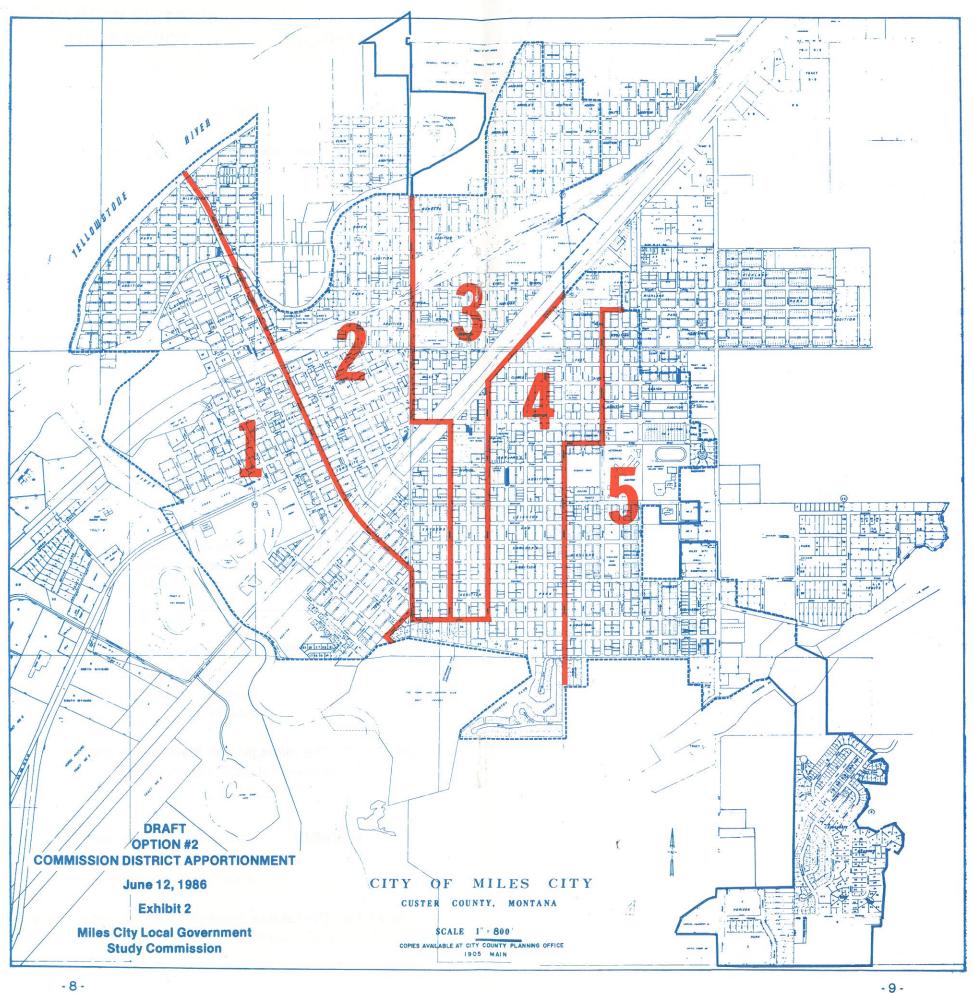
Service Delivery

Performed by elected, part time officials in conjunction with local government employees.

Supervised by the full time manager who administers local government employees.

COMMENTS: The full time manager, who is hired for his administrative capabilities, can give oversight to service delivery on a continuous basis.

PROPOSED COUNCIL **DISTRICTS**



PUBLIC MEETING

Wednesday, July 9th 7:30 P.M.

Riverside Park

CERTIFICATE

FOR THE APPORTIONMENT OF COMMISSIONER DISTRICTS

Districts described by census division (C.C.D.) and enumeration district (E.D.), with population and deviation from ideal are shown.

District 1 List enumeration districts

Population 1866 Deviation -2.8%

District 2 List enumeration districts

Population 2021 Deviation +5.3%

District 3 List enumeration districts

Population 1911 Deviation -0.5%

District 4 List enumeration districts

Population 1841 Deviation -4.1%

District 5 List enumeration districts

s, City Clerk

-

Population 1963 Deviation +2.2%

We, the Study Commission of Miles City do hereby certify that this is the official apportionment plan for commissioner, districts by the Study Commission of Miles City.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June,

1986

Ronald E. Gerback

Martin E. Lawrenz

Edith Bothen

CERTIFICATE

ESTABLISHING THE DATES OF THE FIRST PRIMARY AND GENERAL ELECTIONS OF MILES CITY

IF THE ALTERNATIVE PROPOSAL IS APPROVED AND ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSAL IF APPROVED

The date of the general election for officers of the new government of Miles City shall be held at a special election on Marender 3, 1981

The effective date of the alternative plan of local government of Miles City takes effect when the new officers take office at 10 a.m. (60 days after the election of new officers).

We, the Study Commissioners of Miles City do hereby certify that these are the dates of the speical primary and general elections and the effective date of the alternative plan of local government of Miles City approved by the Study Commissioners of Miles City.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June,

1986.

City Clerk

Romald E. Gereac

Martin E. Lawrenz

Edith Botnen

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF MILES CITY, MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Miles City at a special election to be held with the general election on November 4, 1986.

We, the Study Commissioners of Miles City do hereby certify that this is the date of the special election approved by the Study Commissioners of Miles City.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June, 1986.

190

ts, City Clerk

John R. Tooke, Chairman

Martin E. Lawrenz

Edith Bolnen

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT

FOR THE NOVEMBER 4, 1986, SPECIAL ELECTION

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

OFFICIAL BALLOT

FORM OF 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 BOTH ISSUES

1.

VOTE FOR ONE

For adoption of the council-manager form of government proposed in the report of the Miles City Local Government Study Commission.
For the existing mayor-council 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 Miles City do hereby certify that this is the official ballot approved by the Study Commissioners of Miles City.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June, 1986.

Ronald E. Gereart

Jayer R. Kelly

Martin E. Lawrenz

Eduit Bolnen

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR MILES CITY, MONTANA

If retained by the voters, the government of Miles City shall be organized under the following provisions of Section 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201:
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3):
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(2);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (1) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (0) 7-3-223(2);
- (2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed

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

7-3-210. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
 - (8) report to the commission as the commission may require;
 - (9) attend commission meetings and may take part in discussion;
 - (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.
- 7-3-212. Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220. Chairman of 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.

7-3-221. Presiding officer of commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be eight (8), and community councils to advise commissioners may be authorized by ordinance.

We, the Study Commissioners of Miles City, Montana, do hereby certify that this is the existing plan of government as established by Section 7-3-113 M.C.A.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June, 1986.

Harvey L. Watts, City Clerk

Martin E. Lawrenz

Edith Botnen

CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR MILES CITY, MONTANA

Upon approval of the majority of voters the government of Miles City shall be organized under the following provisions of Title 7, Chapter 3, Part 3, M.C.A.

7-3-301; 7-3-302(1); 7-3-303; 7-3-304; 7-3-305; 7-3-312(1); 7-3-313(2); 7-3-314(1) or (2); 7-3-315(1); 7-3-316(2); 7-3-317(2); 7-3-318

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

7-3-301. Commission-manager form. The commission manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by a commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance or resolution.

7-3-302. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;
 - (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance.
 - (5) carry out policies established by the commission;
 - (6) prepare the commission agenda;
 - (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
 - (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but he may not vote.
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance:
- (14) appoint members of temporary advisory committees established by the manager.

- 7-3-305. Employees of commission manager government.
- (1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.
- (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.
- (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local 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.
- 7-3-312. Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the chairman with the consent of the commission.
- 7-3-313. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-314. Type of election. Local government elections shall be conducted on a (1) partisan or (2) nonpartisan basis. To be determined as a suboptional choice by the water.

7-3-315. 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.

7-3-316. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317. Size of commission and community councils; The size of the commission shall be five (5), and community councils to advise commissioners may be authorized by ordinance.

7-3-318. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of Miles City, Montana, do hereby certify that this is the proposed plan of government as established by Section 7-3-114 M.C.A.

In testimony whereof, we set our hands.

Done at Miles City this 23rd day of June, 1986

ATTEST:

Harvey L. Watts, City Clerk

John R. Tooke, Chairman

Somet of All

Martin E. Lawrenz

Edith Botnen

SURVEY ANALYSIS

MILES CITY VOTER REVIEW OPINION SURVEY

PREPARED BY THE

LOCAL GOVERNMENT CENTER, MONTANA STATE UNIVERSITY

This analysis encompasses the three interrelated components of the Miles City Government Review Survey (1) Demographic characteristics of the sample; (2) Citizen perceptions of the quality of certain city services; and (3) Citizen attitudes toward contemplated changes in city government.

1. Demographic Characteristics of the Sample:

I note that Custer County is home for approximately 13,400 persons of whom, some 9,600, or 71%, reside within the city limits of Miles City. By comparison, our survey random sample included 175 (72%) city residents of the total sample population size of 241. Although the sample size is a bit smaller than I would prefer, I am generally satisfied that the proportional distribution of the sample reflects the actual distribution of opinion. This is further confirmed by the age distribution of the respondents reflected at Q-10 indicating that 40% of the respondents were between the ages of 20 and 39 and that 53% were over the age of 40. This relatively mature sample age distribution generally conforms to the actual distribution of ages in Custer County. Finally, I note that some 82% of the survey respondents indicated that they are registered to vote in Custer County thereby assuring you that you not only have a valid survey of citizen opinion but also of voter opinion.

2. Evaluation of City Services: (Miles City Respondents Only)

Questions 13 and 15 through 19 were designed to evaluate the quality of certain city services. Q-13 was an open ended question that seeks, first, to measure the extent to which your community perceives problems with city government and, secondly, to identify any significant problem areas. The fact that nearly 50% of the city respondents were able to identify a problem suggests that there is a significant degree of conern in the community concerning local government affairs. A hand tabulation of the problems identified by the respondents further suggests that community concerns are focused on streets (24 responses), taxes and financial management (23 responses), and the general state of your local economy (10 responses). These spontaneously identified problems are confirmed, in part, by the fact that 45% of city respondents rated city streets as "poor" (Q-18). The significance of this problem is brought into focus when compared to evaluations of other city services: Police - 55% "good" (Q-15); Fire - 75% "good" (Q-16); Water and Sewer - 40% "good" (Q-17); Streets - 11% "good" (Q-18).

NOTE: Question 14 was deleted prior to conducting the survey.

3. Attitudes Toward Contemplated Changes in City Government Structures:

Question 20 was designed to assess the community attitude toward changing the present ward system of electing an eight member city council, comprised of two councilmen per ward, to the election of all councilmen at large. As indicated by the exact division of opinion among those respondents favoring the present, districted system (48.8%) and those favoring a change to the at large system (48.8%), we may infer that your community is indeed divided on the question. Therefore, if you are contemplating incorporating this change into your recommendations to the electorate, you may wish to consider offering it as a sub-optional choice to be decided upon directly by the voters. The outcome will be quite close.

Questions 21 and 22 both seek to measure the extent of community support for your contemplated recommendation of changing from the present council-mayor form of government to the commission-manager form. As indicated by the responses at Q-21, there is a clear majority (61.6%) of sample opinion supporting the concept of full-time, professional administration of city government affairs, This support is generally validated by the results of Q-22 which reflects nearly equally divided opinion on the much more direct question assessing the perceived need for a professional city manager (45.3% Yes and 44.2% No). I invite your particular attention to the fact that nearly 10% of the respondents had no opinion on the need for a professional city manager which suggests that a voter education effort will be quite important should you decide to proceed with a recommendation to change to the commission-manager form. In general, I would conclude that questions 21 and 22 indicate significant community support for the commission-manager form of government at the time the survey was conducted.

Finally, question 23 was designed to assess the degree of Miles City support for the consolidation of city and county government. While the survey data indicate that 51.7% of the sample population would vote for consolidation, I also note that nearly 11% did not express an opinion which again suggests the need for a voter education effort should you and the Custer County Study Commission jointly decide to recommend consolidation. Please note that such a recommendation would require a majority vote of both study commissions.

What Are The Options Available To Meet The Needs Of Miles City?

- 1) COMMISSION CHAIRMAN
- 2) COMMISSION EXECUTIVE (CITY COUNCIL MAYOR)
- 3) COMMISSION FORM

- 4) CHARTER FORM
- 5) COMMISSION MANAGER (CITY COUNCIL MANAGER)



Commission Members:

JOHN R. TOOKE, CHAIRMAN • JANET R. KELLY, VICE-CHAIRMAN RONALD E. GERSACK, TREASURER • MARTIN E. LAWRENZ EDITH BOTNEN • LEOTA L. HENRICHS (EX-OFFICIO) VICKI K. FITZGERALD, SECRETARY



HELP US MAKE MILES CITY THE BEST IT CAN BE BY SUPPORTING
THE EFFORTS OF YOUR
CITY GOVERNMENT STUDY COMMISSION
