

TRANSITION ADVISORY REPORT

OF THE

FERGUS COUNTY

LOCAL GOVERNMENT REVIEW STUDY COMMISSION

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**I. TRANSITION ADVISORY PLAN
FERGUS COUNTY
SEPTEMBER, 1996**

On June 4, 1996 the voters of Fergus County adopted a self-governing Charter as provided by The Constitution of the State of Montana and state law and as recommended by the Final Report of the Fergus County Study Commission.

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

1. Under Montana law (7-3-102, MCA) Fergus County has adopted the "charter" form of county government. The new self-government charter retains most of the structural features of the previous "elected county official" or "county commission" form, as detailed in the Certificate of the Existing Plan of Government and the Certificate of the Proposed Plan of Government, attached herewith at Appendix 1.
2. Under the new plan of government set forth in self-governing Charter the basic purposes and functions of Fergus County government to provide for the public health, safety and well-being of county residents remain unchanged.
3. Also unchanged is the taxing authority of Fergus County government.
4. The nature and responsibilities of the Justice Court and District Court or any other judicial body in the county are not effected by the new Charter.
5. All ordinances and resolutions in effect at the time the Charter becomes effective, shall remain in effect until reviewed, repealed or amended by the County Commission in the manner prescribed by law and the Charter. The County Commission shall undertake and complete such review prior to January 1, 1998.
6. All existing citizen advisory boards, commissions and authorities created by law, ordinance or resolution are continued pending review and reappointment by the County Commission. All future appointments to such bodies shall be made pursuant to law and the provisions of the Charter such that all future county appointed board members shall not serve more than two terms consecutively.
7. Effective on January 1, 1997 elections for the offices of County Commissioner and all other elected county officers shall be conducted on a non-partisan basis in the manner prescribed by law.
8. County Commissioners holding office on the date the Charter was adopted may continue in office until the end of the term for which they were elected. The County Commissioner selected in the election of November 5, 1996 shall assume office on Monday, January 6, 1997, as prescribed by law.

9. The elected county officers holding office at the time the Charter was adopted may continue in office until the end of their term of office.

10. No non-elected employee of Fergus County shall lose office solely because of the adoption of the Charter.

11. Concurrent with the adoption of the annual operating budget for Fiscal Year 1998, the County Commission shall by resolution set the compensation of the County Commissioners and the other elected county officers.

12. As required by Section 2.16 of the Charter, Community Councils comprised of three members shall be elected on a non-partisan basis for a two year term of office from each commissioner district at the next regularly scheduled county election in November 1998. Pending the election and qualification of Community Council members, the County Commission shall appoint three qualified Community Council members for each commissioner district. Nominations for appointments for each district shall be made by the County Commissioner representing that district for confirmation by the affirmative vote of the whole County Commission.

13. The County Commission shall schedule a minimum of one meeting of record each month properly noticed and with a published agenda.

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

In testimony whereof we set our hands.

Done at Lewistown, Montana this 4th day of September, 1996.

SEAL

ATTEST: _____
Kathy Fleharty, Clerk and Recorder

Edward B. Butcher, Chairman

Beth Bergum

Leroy Musick

Diana M. Pennell

Joy Reeder Wicks

II. Fergus County Charter

**CHARTER
OF
FERGUS COUNTY, MONTANA**

PREAMBLE

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

**ARTICLE I
POWERS OF THE COUNTY**

Section 1.01 Powers of Fergus County

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

Section 1.02 Interpretation of Powers

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

Section 1.03 Restriction on Powers

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

Section 1.04 Charter Supremacy

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

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 Legislative Body

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

Section 2.02 Governing Body

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

Section 2.03 Composition

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

Section 2.04 Qualifications for Office

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

Section 2.05 Term of Office

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

Section 2.06 Election

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

Section 2.07 Division of the County into Commissioner Districts

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

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

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

Section 2.10 Filling Vacancy on Commission

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

Section 2.11 Chairman of the Commission

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

Section 2.12 Powers and Duties

All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

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

Section 2.14 Legislative Action

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

Section 2.15 Compensation

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

Section 2.16 Community Councils

Community councils comprised of three members to advise commissioners shall be elected on a non partisan basis for a two year term from each commissioner district.

Said council shall meet on a quarterly basis with no compensation.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Functions

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

Section 3.02 Powers and Duties

The board of county commissioners shall:

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

Section 3.03 Terms of Appointed Boards

All county appointed board members shall serve not more than two terms consecutively.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Elected Department Heads - County Officers

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

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

Section 5.02 Qualifications for Office

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

Section 5.03 Term of Office

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

Section 5.04 Election

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

Section 5.05 Vacancy in Office

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

Section 5.06 Removal from Office

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

Fergus County, as prescribed by law.

Section 5.07 Filling Vacancy of Elected Department Head

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

Section 5.08 Consolidation of Offices

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

Section 5.09 Organization of Other Departments

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

Section 5.10 Compensation

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

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

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

Section 6.04 Right of Initiative

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

Section 6.05 Recall

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

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITIONAL PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Fergus County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions, shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

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

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Fergus County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

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

SEAL

In testimony whereof, we set our hands.

Done at Lewistown, this 18th day of March 1996.

ATTEST:

Kathy Fleharty, County Clerk & Recorder

Edward B. Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

III. CHARTER FORM OF COUNTY GOVERNMENT

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

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

"The powers and authority of a local government unit with self-government powers shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority." (7-1-106, MCA)

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

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

It is also important to note that 7-1-104, MCA provides that self-governing powers are vested in the local government legislative body which, in the case of the Fergus County Charter, is the County Commission (Section 2.01). Both the statute and the Charter make it clear that the self-government powers of the county are to be exercised by adoption of ordinances and resolutions. This requirement is an important departure from the legislative authority and practices of the former "elected county official" form of government which had only general powers and ordinance making authority that was limited to specifically delegated subjects such as "control of community decay"(7-5-2111, MCA) and control of litter (7-5-2109, MCA). Even though the county's ordinance making authority is substantially expanded under the new self-government charter it is quite important that the County Commission recognize the limitations on the use of this new law making authority and that they be guided by the prohibitions and limitations set forth at 7-1-111 through 7-1-114, MCA.

An area of immediate concern to the County Commission as a result of the acquisition of self-government powers is their new responsibility to set the salaries of all elected county officials (Section 2.15 and Section 5.10 of the Charter). Heretofore, the salaries of both the commissioners and the other elected county officials were set by state law and periodically adjusted by the legislature (74-2107 and 7-4-2501, MCA). Starting with the county budget cycle for FY 1998 the County Commission will itself have to set by resolution the compensation of all elected county officers. The statutory limitations relating to either maximum or minimum salaries, cost of living adjustments and population based salary adjustments are no longer mandatory with respect to establishing the compensation levels of elected county officers. In this regard, the County Commission may wish to consider the development of their own classification and compensation plan to assure internal pay equity and "comparable pay for comparable work." The Local Government Center will be pleased to consult with the County Commission in developing such a system.

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

IV. History of Local Government Review in Fergus County

The 1972 Montana Constitution, in Article XI, Section 9, provides for a review of local government every ten years, beginning in 1974. It provided for an elected study commission which had two years to study and review the local government, and then put a proposal on the ballot for citizen consideration. The voters could choose between the existing form of government or the proposal of the study commission.

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

1974 - 1976

The members of the first elected study commission were:

K. Robert Foster, Chairman
Doris J. Key
Joy Reeder Wicks
Tom Moe
Ruth J. Crane

The study commission met once a month. They proposed a self government charter with the county manager form of government. The charter provided for a five member commission, nominated by district and elected at large. The nature of the election (partisan/nonpartisan) was made a suboptional choice on the ballot. The proposal was placed on the ballot at the November, 1976, general election. The vote was 1,623 for the alternative form, and 4,360 for the existing form of government.

1984 - 1986

The voters voted against reviewing the Fergus County government in 1984.

1994 - 1996

The question to review Fergus County government was placed on the June 1994 primary ballot. The vote was 1,547 in favor of review and 1,356 against, or 53.3% in favor. Fifteen candidates filed for the five positions and the five listed below were elected at the

November, 1994 general election. The members of the second study commission were:

Ed Butcher, Chairman
LeRoy Musick
Beth Bergum
Diana M. Pennell
Joy Reeder Wicks

Ex officio Member: Alfred B. Miller, County Commissioner

The study commission recommended that a self government charter with a commission plan of government be placed on the ballot at the June 4, 1996 primary election. Two suboptional choices were also placed on the ballot, the first to provide for three elected community councils, and the second to provide for term limits for citizens appointed to county boards. The charter and both suboptions were approved by the voters with the following votes:

	<u>For</u>	<u>For Existing Form</u>
Charter	1,880	1,220
Community Councils	1,590	1,110
Term limits	2,311	561

APPENDIX I

Study Commission

Final Report

Certificates

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

If retained by the voters, the government of Fergus 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;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(6);
- (p) 7-3-438(1);
- (q) 7-3-439(6);
- (r) 7-3-440(1);
- (s) 7-3-441(1);

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

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

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

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by

law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

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

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors 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.

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

SEAL

In testimony whereof, we set our hands.

Done at Lewistown, this ___ day of _____, 1996.

ATTEST: _____
Kathy Fleharty, Clerk & Recorder

Edward B. Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

**CERTIFICATE OF THE PROPOSED CHARTER
OF
FERGUS COUNTY, MONTANA**

PREAMBLE

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

**ARTICLE I
POWERS OF THE COUNTY**

Section 1.01 Powers of Fergus County

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

Section 1.02 Interpretation of Powers

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Section 1.03 Restriction on Powers

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

Section 1.04 Charter Supremacy

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

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 Legislative Body

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Section 2.02 Governing Body

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

Section 2.03 Composition

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

Section 2.04 Qualifications for Office

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

Section 2.05 Term of Office

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

Section 2.06 Election

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

Section 2.07 Division of the County into Commissioner Districts

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

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

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

Section 2.10 Filling Vacancy on Commission

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

Section 2.11 Chairman of the Commission

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

Section 2.12 Powers and Duties

All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

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

Section 2.14 Legislative Action

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

Section 2.15 Compensation

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

Section 2.16 Community Councils

Community councils comprised of three members to advise commissioners may or shall (to be determined by the voters at the June 4, 1996 special election) be elected on a non partisan basis for a two year term from each commissioner district. Said council shall meet on a quarterly basis with no compensation.

**ARTICLE III
EXECUTIVE BRANCH**

Section 3.01 Executive and Administrative Functions

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

Section 3.02 Powers and Duties

The board of county commissioners shall:

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

Section 3.03 Terms of Appointed Boards (to be determined at the June 4, 1996, special election).

All county appointed board members shall serve not more than two terms consecutively.

**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Elected Department Heads - County Officers

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

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

Section 5.02 Qualifications for Office

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

Section 5.03 Term of Office

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

Section 5.04 Election

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

Section 5.05 Vacancy in Office

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

Section 5.06 Removal from Office

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

Section 5.07 Filling Vacancy of Elected Department Head

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

Section 5.08 Consolidation of Offices

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

Section 5.09 Organization of Other Departments

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

Section 5.10 Compensation

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

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

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

Section 6.04 Right of Initiative

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

Section 6.05 Recall

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

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Fergus County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions, shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

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

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Fergus County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

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

SEAL

In testimony whereof, we set our hands.

Done at Lewistown, this ____ day of _____, 1996.

ATTEST: _____
Kathy Fleharty, County Clerk & Recorder

Edward B Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

CERTIFICATE

**ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 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 commission form of government with a self-government charter proposed for Fergus County proposed by the Fergus 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.

Community councils comprised of three members to advise commissioners:

- may be elected.
- shall be elected.

3.

Vote for One.

All county appointed board members shall serve not more than two terms consecutively.

- For limited terms
- Against limited terms

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

SEAL

In testimony whereof, we set our hands.

Done at Lewistown, this ___ day of _____, 1996.

ATTEST: _____
Kathy Fleharty, Clerk & Recorder

Edward B. Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

CERTIFICATE

**ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
FERGUS COUNTY, MONTANA**

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Fergus County at a special election to be held with the general election on June 4, 1996.

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

SEAL

In testimony whereof, we set our hands.

Done at Lewistown, Montana this ___ day of _____, 1996.

ATTEST: _____
Kathy Fleharty, Clerk & Recorder

Edward B. Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

**FERGUS COUNTY
COMPARISON OF SPECIFIC CHARACTERISTICS**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission.	CHARTER - COMMISSION Charter is a local constitution and describes a commission form of government.	No change in form of government. Basic change is that county gains self government powers.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	SELF-GOVERNMENT POWERS County government shall exercise any power which the state does not deny. Gains more ordinance making authority.	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.	Same.	No change.
Election	Partisan.	Nonpartisan.	Local government issues are usually nonpartisan. Commission can concentrate on efficient delivery of services.
Term Presiding Officer Duties	6 year overlapping terms. Chairman--Elected from own members. Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Same. Same. Same.	No changes.
Other Elected Officials	8 elected officials: Clerk & Recorder County Attorney Sheriff Treasurer Clerk of Court Public Administrator Coroner Superintendent of Schools	Same.	No change.


**FERGUS COUNTY
COMPARISON OF SPECIFIC CHARACTERISTICS**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Chief Administrative Officer	None. Administrative responsibility shared by commissioners, elected officials, and various boards.	Same.	No change.
Appointment Powers	Commission appoints department heads not elected, members of boards, commissions, special districts.	Same.	No change.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission.	Same.	No change.
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	Same.	No change.
Citizen Participation Community Councils	None.	Community councils to be decided by the voters.	If chosen by the voters community councils will be elected from each commissioner district to advise the commission.
Term Limits on Boards	No term limits except those specified in statute.	No more than two (2) terms consecutively.	Allows rotation of board members who may serve again following a term break.


APPENDIX II

Voter Education

Materials



**Fergus County Study
Commission Proposal to be
voted on by Fergus County
Voters, June 1996.**



**By Laws for Charter of Fergus County, Montana
Preamble**

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

**ARTICLE I
POWERS OF THE COUNTY**

Section 1.01 Powers of Fergus County

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

Section 1.02 Interpretation of Powers

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

Section 1.03 Restriction on Powers

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

Section 1.04 Charter Supremacy

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

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 Legislative Body

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

Section 2.02 Governing Body

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

Section 2.03 Composition

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

Section 2.04 Qualifications for Office

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

Section 2.05 Term of Office

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

Section 2.06 Election

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

**Section 2.07 Division of the County into
Commissioner Districts**

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

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

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

Section 2.10 Filling Vacancy on Commission

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

Section 2.11 Chairman of the Commission

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

Section 2.12 Powers and Duties

All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

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

Section 2.14 Legislative Action

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

Section 2.15 Compensation

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

Section 2.16 Community Councils

Community councils comprised of three members to advise commissioners **may be** elected on a nonpartisan basis for a two year term from each commissioner district. Said council shall meet on a quarterly basis with no compensation.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Functions

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

Section 3.02 Powers and Duties

The board of county commissioners shall:

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

ARTICLE IV JUDICIARY BRANCH

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Elected Department Heads - County Officers

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

1. County Attorney
2. Sheriff
3. Clerk and Recorder
4. Clerk of District Court
5. Treasurer
6. Superintendent of schools
7. Coroner
8. Public Administrator

Section 5.02 Qualifications for Office

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

Section 5.03 Terms of Office

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

Section 5.04 Election

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

Section 5.05 Vacancy in Office

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

Section 5.06 Removal from Office

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

Section 5.07 Filling Vacancy of Elected Department Head

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

Section 5.08 Consolidation of Offices

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

Section 5.09 Organization of Other Departments

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

Section 5.10 Compensation

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

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

The Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on _____.

Section 6.03 Oath of Office

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

Section 6.04 Right of Initiative

The citizens of Fergus County retain the Right of Initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

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

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government

shall be as prescribed by law. The Fergus County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provision, shall not be published as part of the Charter after _____.

Section 7.02 Continuation in Office

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

Section 7.03 Review of Existing Ordinances

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



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

In testimony whereof, we set our hands.

Done at Lewistown, this _____ day of _____, 1996.

ATTEST: _____
Kathy Fleharty, County Clerk & Recorder

Edward B. Butcher, Chairman

Beth Bergum

LeRoy Musick

Diana M. Pennell

Joy Reeder Wicks

Compare Three Options

Commission (Present form of Government)

Policy Making:
Majority vote of 3 Commissioners.
No regularly scheduled meetings for public input and participation.

Terms of Office:
Six year overlapping terms.

Duties:
Set policies as approved by State Government and carry out State and Federal Mandates.

Powers:
"General Government" Commission must get approval of Montana State Government.

Citizen Influence:
Appointed Boards by Commissioners.

Executive Administrator:
Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation:
Commissioner has complete power of formulation and approval of annual budgets with input from other elected county officials.

Operation of Other Elected County Officials:
Independently administer their own offices.

Commission Manager (Manager hired by commission.)

Policy Making:
Majority vote of elected Commissioners (3-5) at regularly scheduled monthly meeting.

Terms of Office:
Four year overlapping terms.

Duties:
Set all policies not specifically denied by State of Federal Government.

Powers:
Self-governing powers. (Can do anything not prohibited by State or General Laws.)

Citizen Influence:
Elected or appointed non-paid Advisory Boards to Commissioner.

Executive Administrator:
Commission hires full-time Manager to administer business of County. Serves at pleasure of the Commission.

Budget Preparation:
Manager in charge of formulation and preparation of budget with Commission approving submitted budget. Other elected county officials would provide input in budget preparation.

Operation of Other Elected County Officials:
Independently administer their own offices.

Commission/Chairman (Full-time Chairman elected by Commission from their own membership of not less than five members.)

Policy Making:
Majority of elected Commissioners with Chairman breaking a tie vote at regularly scheduled monthly meetings.

Terms of Office:
Four year overlapping terms.

Duties:
Set all policies not specifically denied by State or Federal Government. Elected Chairman will be full-time administrator. Other members of Commission may either be part-time or full-time policy makers.

Powers:
Self-governing powers. (Can do anything not specifically prohibited by State or Federal Government.)

Citizen Influence:
Elected or appointed non-paid Advisory Board to Commission. Community councils - non-paid - elected by districts to advise Commission.

Executive Administrator:
Commission elects one of their members to serve as full-time Chairman to administer business of County. Other members serve either on part-time or full-time basis. (Option of voters.)

Budget Preparation:
Chairman prepares budget to be approved by members of Commission. Other elected county officials and district Advisory Boards provide input in budget preparation.

Operation of Other Elected County Officials:
Independently administer their own offices.

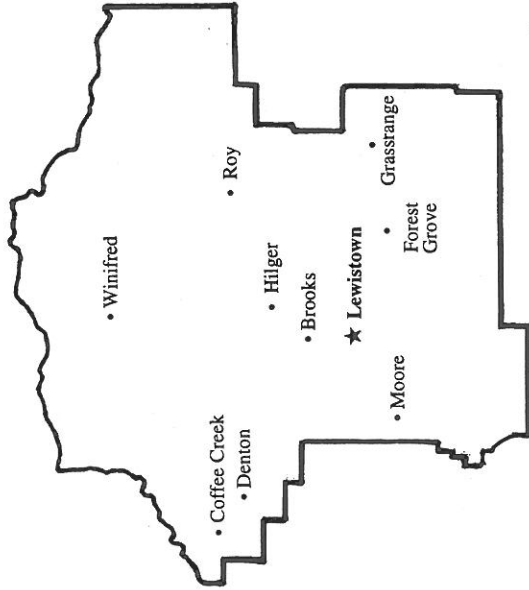
What Do You Think?

Study Commission CANNOT

☞ Make recommendations about:

- Consolidating city and county government.
- Courts
- Schools
- Planning and zoning regulations.
- The conduct of elections.
- Hunting and fishing regulations
- Sales and income taxes
- The right to keep and bear arms.
- Debt limitations on general obligation bonds

Is There A Better Way for Fergus County's Government to Operate?



Public Hearing For Your Input
August 29, 1995

Contact Elected Commission Members:

1. Ed Butcher (406) 538-5627
2. Joy Wicks (406) 538-5566
3. Diane Pennell (406) 538-5548
4. Beth Bergum (406) 462-5490
5. LeRoy Musick (406) 538-7202
6. Bud Miller (406) 538-5119

Study Commission CAN

☞ Study & compare these forms of Government:

- Commission (Present form)
- Commission Executive (Similar to Mayor)
- Commission Chairman (Elected from & by Commission.)
- Commission Manager (Hired by Commission.)
- Town Meeting
- Charter (Write a County Constitution.)
- Self Government Power

Other Options to Consider:

- ☞ Partisan or Non-Partisan Election of all County officials.
- ☞ Combine Offices
- ☞ Concurrent or Overlapping Terms
- ☞ Elect District Advisory Council
- ☞ Consolidate City & County Law Enforcement
- ☞ Consolidate County & City Attorney

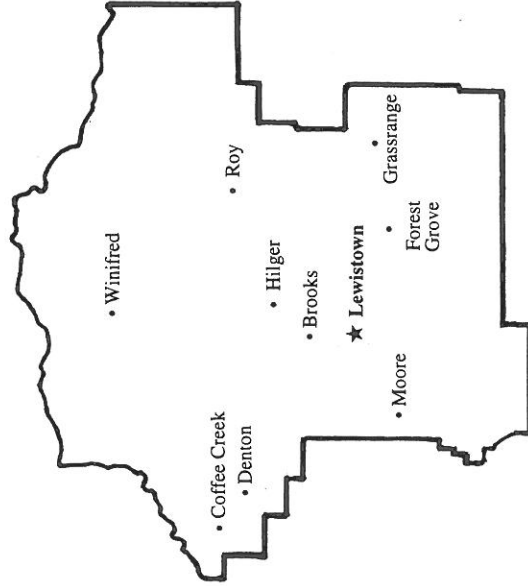
Proposed by Study Commission

1. Codify the existing laws concerning operation of Fergus County into one document. (County Constitution.)
2. Require a minimum of one meeting of the County Commissioners per month to be regularly scheduled with a published agenda.
3. All elected officials shall run on a nonpartisan basis.
4. Under Charter, County Government will continue to operate as is, with no changes in personnel, duties, or responsibilities.
5. Take administrative decision making out of the hands of state bureaucrats, when permissible, and give it to local elected officials.

Study Commission CANNOT

- ☞ Make recommendations about:
 - Consolidating city and county government.
 - Courts
 - Schools
 - Planning and zoning regulations
 - The conduct of elections.
 - Hunting and fishing regulations.
 - Sales and income taxes.
 - The right to keep and bear arms.
 - Debt limitations on general obligation bonds.

Citizen Control Into the Twenty-First Century...



Is There A Better Way for Fergus County's Government to Operate?

Study Commission Proposal for the June 1996 Primary Election

Contact Elected

Commission Members:

1. Ed Butcher (406) 462-5627
2. Joy Wicks (406) 538-5566
3. Diane Pennell (406) 538-5548
4. Beth Bergum (406) 462-5490
5. LeRoy Musick (406) 538-7202
6. Bud Miller (406) 538-5119

Option #1: If voters vote for acceptance of this option, it will only become effective provided the proposed Charter based Commission Form of Government is voted on to replace the current non-Chartered Commission Form of Government.

Passage of this option would require mandatory establishment of advisory councils to commissioners - defeat would leave the establishment of councils to the commissioners' discretion.

Section 2.16

Community councils comprised of three members to advise commissioners **shall be elected on a nonpartisan basis for a two-year term from each commissioner district.** Said council shall meet on a quarterly basis with no compensation.

Compare Current and Proposed Structure of Government

Commission (Present Form)

Election of Officials
All county officials elected on partisan or independent designation.

Policy Making
Majority vote of three Commissioners. **No regularly scheduled meetings** with published agendas for public input and participation.

Terms of Office
Six year overlapping terms.

Duties
Set policies only as approved by State Government and carry out State and Federal Mandates.

Powers
"General Government" Commission must get approval of Montana State Government before implementing programs or policies

Citizen Influence
Appointed Boards by Commissioners.

Executive Administrator
Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation
Commissioner has complete responsibility of formulation and approval of annual budgets with input from other elected county officials and appointed boards.

Operation of Other Elected County Officials
Independently administer their own offices.

Commission Under Charter (Areas of Difference)

Election of Officials
Changes

Policy Making
Changes

Terms of Office
No Changes

Duties
Changes

Powers
Changes

Citizen Influence
No Changes

Executive Administrator
No Changes

Budget Preparation
No Changes

Operation of Other Elected County Officials
No Changes

Commission Under Charter (Proposed Form)

Election of Officials
All county officials elected on **non-partisan basis**.

Policy Making
Majority vote of three Commissioners. **Scheduled monthly meetings with published agenda allowing public input.**

Terms of Office
Six year overlapping terms.

Duties
Set all policies not specifically denied by State or Federal Government under **self-governing powers**.

Powers
"Self-governing powers." (Can do anything not specifically prohibited by State or Federal Government.)

Citizen Influence
Appointed Boards by Commissioners.

Executive Administrator
Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation
Commissioner has complete responsibility of formulation and approval of annual budgets with input from other elected county officials and appointed boards.

Operation of Other Elected County Officials
Independently administer their own offices.

APPENDIX III

News Clippings

Unofficial results

1994 primary election results of Fergus County...

Wednesday, June 8, 1994 Lewistown News-Argus 3

	Precinct #1 Brooks	Precinct #2 Crowley	Precinct #3 Day	Precinct #4 Denton	Precinct #5 Grass Range	Precinct #6 Lewistown Jr. High	Precinct #7 Lewistown Courthouse	Precinct #9 Lewistown Min. Acres	Precinct #10 Lewistown Yogo Park Inn	Precinct #11 Lewistown City Hall	Precinct #13 Lewistown Lewis and Clark	Precinct #14 Moore	Precinct #15 Roy	Precinct #16 Winifred	Precinct #17 Lewistown Fergus High	TOTALS
County Government Review	46	78	78	92	72	212	162	142	91	116	106	105	58	47	142	1547
For																
Against	57	66	95	112	74	123	126	89	69	109	67	122	41	64	142	1356
Denton Government Review																
For				64												64
Against				75												75
Grass Range Government Review																
For					16											16
Against					22											22
Winifred Government Review																
For													20			20
Against													36			36
Moore Government Review																
For												15				15
Against												30				30
Lewistown City Government Review																
For						208	171	142	96	124	108					849
Against						126	117	85	62	102	63					555

Hannah will use knowledge on board

Wayne Hannah, candidate for the county government board of review, believes that his knowledge of what goes on in Fergus County will allow him to effectively serve on the board.

"When someone wants to know something, I'm the one they ask," Hannah says. "I like to know what's going on. I figure that if I don't like what's going on, I can help do it right."

Hannah has lived all of his life in Moore. He farms in Moore and does other odd jobs. "I am jack of all trades and a master of none," Hannah says.

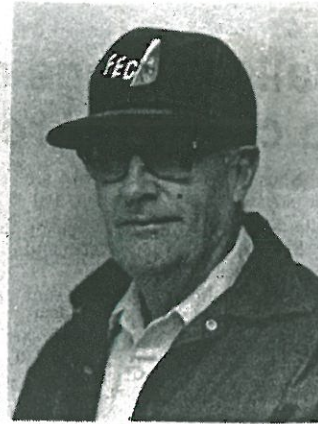
He said he doesn't know what if any changes he will want to make if he gets elected but he says he won't hesitate to look into any changes he thinks need to be made.

"If I decide to look into something, I will look into it."

Hannah's interest in county affairs led him to run for the position.

"I do take an interest in some of that stuff," he said. "I do think that they don't think things through before they act."

"If elected I'll probably do the best job I can," he said.



Wayne Hannah

PROFILE IN SHORT

Name: Wayne Hannah
Office: County Board of Government Review
Salary: None
Political Background: None
Party: NA
Resides In: Moore
Current Career: Farming
Education: Moore High School, Two quarters at Montana State University.
Family: NA

Zoning is key issue for Harper

Zoning is of utmost importance to John Harper, and he said it was the main reason he decided to run for the Fergus County government review board.

"I lived 18 years in Western Montana and nearly all of that I was a smoke jumper with flight paths over the Gallatin, Bitterroot and Flathead," he said.

He watched that land developing "until in 1984, when I moved here, it was a solid yard light from Missoula to Darby."

Harper said the same problems of Western Montana could become Central Montana's problems without efficient zoning. "There's a big pile of people over that hill (Western Montana) that are headed in this direction. People say it can't happen here, but, yes, it is happening to us."

Harper is originally from Lewistown, and graduated from St. Leo's in 1966. He served with the Marine Corps in Vietnam from 1966 to 1968. He attended the University of Montana and also began his smoke jumping career which spanned 1969-84.

He graduated with a bachelor's in history in 1977, and moved to Lewistown in 1984, where he worked as a freelance writer and photographer.

Harper also worked as a chemical dependency counselor in Lewistown and with the Bureau of Land Management as the Zortman Station manager for five seasons.

Harper returned to college, at-

tending the College of Great Falls in 1990-91, and is working towards an English and para-legal degree. He most recently started Northern Plains Video Service, contracts para-legal work, and has a real estate license with Century 21.

Harper said he feels strongly about the necessity of zoning, but said the county government review board also needs to look at consolidation issues.

"It would be beneficial for the city and county to look at consolidation and professional turf be damned. We need to start doing what's in the best interest for this place or it's going to get hammered."

He said another reason he filed for the review board is because he is interested in the workings of government.

"People need to start getting involved, whether they like it or not." He said "fringe" and special interest groups are getting involved, and the rest of the people



John Harper

need to wake up to that. "I'm not affiliated with any group," he added.

Harper said this county government review board should use the review board's findings of 10 years ago as a foundation.

"There was a lot of good work done 10 years ago, but a lot of it was suppressed. Those documents should be the foundation of this review."

PROFILE IN SHORT

Name: John Harper.
Office seeking: Fergus County government review board.
Salary: None.
Political background: None.
Age: 46.
Resides in: Lewistown.
Current career: Owner of Northern Plains Video Service and contracts para-legal work.
Family: Single.



Edward Butcher

County government important to Butcher

Edward Butcher is running for the Fergus County Government Review Commission because he believes that county government is important.

He believes that because it affects the day-to-day lives of people.

"The county level of government is a critical level of government," he said. "It is the level closest to the people."

He said that he does not envision any major changes in government but he feels it needs to be

prepared for the changes in Fergus County.

"The county is changing," he said. "We're going to face a lot of traumas being faced by Bozeman, Kalispell and Missoula. The county government needs to be adequately prepared to deal with these problems."

Butcher has served on the Montana Board of Crime Controls and was the chairman of Montanans for Term Limits. He has also served as the chairman of the board for the Council of Aging.

"I feel that I have something to offer and a member of the board," he said. "I can bring insight to a board of this nature."

He said that he sees the commission as a "listening board for people" and will use it to see the relationships between departments in the county.

"One shouldn't make changes for the sake of change alone," he said.

PROFILE IN SHORT

Name: Edward Butcher.

Office: County government review commission.

Salary: None.

Political Background: Served on Montana Board of Crime Controls, Chairman for Montanans for Term Limits

Resides In: Lewistown.

Current Career: Rancher, business consultant.

Education: Master's from University of Montana, bachelor's from Eastern Montana, post-graduate work at University of Colorado, North Dakota State and University of Montana.

Family: Wife, Pam, and three children.

Bergum doesn't want change for sake of change



Beth Bergum

Beth Bergum, candidate for the county board of government review, doesn't want to make changes on the county level simply for the sake of change.

"I don't want to make changes because I think government needs changes," Bergum said. "I am more interested in seeing if they want any changes."

She praised the county for doing a good job.

"The Fergus County employees are fantastic," she said. "I work with them and admire them."

Bergum said her experience as a school clerk in Winifred and her knowledge of county offices will

help her on the county board if she is elected.

Bergum said the main issue is creating more efficient government.

"The issue is getting the most efficient government for the cost," she said.

In order to achieve more efficient

government, Bergum said she would like to see more cooperation between city and county government.

One area she said she would like to see more cooperation would be between the city and county law enforcement offices.

PROFILE IN SHORT

Name: Beth Bergum

Office: County Board of Government Review

Salary: None

Political Background: None

Party: N/A

Resides In: Winifred

Current Career: Winifred school clerk

Education: Denton High School, one year at Northern Montana College

Family: Husband, Jerry, and five children.

11/2/94

Knechtges goal to make county more efficient

The goal of Don Knechtges, if he is elected to serve on the County Board of Government Review, is to make Fergus County government more efficient.

"I think there is a need for efficiency" he said. "I think the only way to do that is to combine services in the city and county government."

He said that one area he might look into would be the combining the dispatch for the sheriff's department and the city police department.

He said he would also look into the possibility of combining the city and county police and fire protection as well as road departments.

Knechtges said he has the time to take a look at other towns and counties to see how the Fergus County government could be more

efficient.

"I've got the time to go to other areas," he said.

He said one example that could be looked at are Silver Bow and Deer Lodge County where city and county governments have combined.

"We have to use tax dollars more efficiently because people are just fed up with taxes," he said.

PROFILE IN SHORT

Name: Don Knechtges
Office: County Board of Government Review
Salary: None
Political Background: NA
Party: NA
Resides In: Lewistown
Current Career: Retired pilot
Education: Graduated from Montana State University
Family: Wife and two children



Don Knechtges



Leroy Musick

For Leroy Musick the issue is the same, no matter where the voters put him.

Although he can only be elected to one, Musick is running for both the city and the county review boards.

"I'm going into this with a wide-open mind," he said. "I just want to see what what all is involved, and when the study is over I'll report back to the citizens and

Leroy Musick runs for city, county review boards

let them make the decisions."

Musick said at this point he doesn't know what issues might be brought up on the boards, "That's why I'm doing this, to learn."

Musick came to Central Montana in 1953 when he worked as a farmhand during harvest. Eventually he purchased a farm of his own in the Winifred area. He moved to Lewistown in 1990.

"Personally, I think land owner-

ship should be in private hands on tax roles," said Musick. "I believe all land should be in private ownership. It's better cared for."

Musick said he also believes the people of Fergus County need to find a way to pay for its services besides taxes.

"We need to strive to bring in businesses that won't pollute or disrupt the community," he said.

PROFILE IN SHORT

Name: Leroy Musick
Office seeking: City or Fergus County government review boards.
Salary: None.
Political background: School board.
Age: 65.
Resides in: Lewistown, born in Missouri.
Current career: Self employed.
Education: Northwest Missouri State Teachers' College (for one quarter and then entered the service).
Family: Wife, Elaine, daughters, Yvonne and Kathleen, and son, Steven.

11/2/94

Holmgren hopes to give board rural voice

David Holmgren, candidate for the county government review commission, he hopes to give rural Fergus County a voice in county government.

"I feel that the rural community needs a strong voice in county government," he said. "I hope to help rural Fergus County have a voice in where it is headed."

Holmgren is a fourth-generation Montana rancher and he said the work ethic involved with ranching will help him do a good job on the commission.

"Through hard work and management we have survived this many years in agriculture," he said. "I will use the same hard work and effort to do a good job with my voice in the local government."

He said he believes one issue facing the commission will be school consolidation.

"We need to be careful that we don't allow ourselves to lose our rural community," he said. "The schools are a valid part of that heritage," he said.

Growth of Fergus County is another issue that concerns Holmgren.

"We're going to see growth and with growth there will be added pressure on the revenues."

Holmgren said that noxious weed control is also a concern of his. He said that if noxious weeds aren't controlled it will effect recreational, agricultural and aesthetic value of area.



David Holmgren

PROFILE IN SHORT

Name: David Holmgren
Office: County Commission of Government Review
Salary: None
Political Background: National Cattlemans Association, Montana Stockgrowers Association, Fergus County Fiscal Forum.
Party: Republican
Age: NA
Resides in: Roy
Current Career: Rancher
Education: Columbus High School and attended Monana State University
Family: Wife Jackie and two foster children

Pennell views county board as opportunity

Donn Pennell, candidate for the Fergus County government review board, said serving on the board "is an opportunity to review where you are and where you want to be, and an opportunity to meet the needs of our county in our time."

A resident of Lewistown for the past 24 years, Pennell said he is concerned about the future of local government and said that's why he wants to be involved in the review process.

"I would be happy to have the opportunity to help in that," he said. "It seems to me that people that have the opportunity should do it. It's a matter of citizenship."

Pennell said he would have the

important that the county management "should be of the most productive form with the resources we have."

Pennell is originally from Berkeley, Calif. He went to the U.S. Merchant Marine Academy in King's Point, N.Y. and served on a dual commission with the U.S. Navy. He also did graduate work to King's Point at MIT. He was called back into the Navy many times through the years, and served a total of 34 years and retired as a commander.

He worked for General Dynamics as a missile test engineer on the Atlas Program. He also worked for Kaiser Engineers in Oakland, Calif.



Donn Pennell

Since moving to Lewistown, Pennell has owned and managed the Montana Building.

time necessary to devote to a review board.

He said one of the tasks before the review board would be to look at possible areas where the city and county government are duplicating each other. For example, the city and county each having a dispatch. "It should be reviewed, but I don't think that (consolidation) is necessarily a conclusion," he added.

"I have seen where city and county combined under specific conditions, and it made sense where they were," he said. "We'll have to find out if it would make sense here."

Pennell said he doesn't feel those serving on the review should go in with specific issues. "We should come out with them." He said it is

and then for Lawrence-Berkeley Laboratory at University of California in the physics center.

"There are five centers of high level physics in the world and one of them is in Berkeley. I was a budget officer for them and a physical plant manager for 3,200 employees."

PROFILE IN SHORT

Name: Donn Pennell
Office seeking: County government review board.
Salary: None.
Political background: None.
Age: 68.
Resides in: Lewistown, Giltedge Route.
Current career: Owner/manager of Montana Building.
Education: U.S. Merchant Marine Academy, MIT, University of California.

He has worked with youth groups like the Boy Scouts, for which he was district chairman, and has been active in the community concert association, chamber of commerce, Rotary, New Industries, and the Red Cross for more than 20 years.

Concerns motivate Pennell to seek position

Concern for what happens in Lewistown and Fergus County was the motivating factor that led Diana Pennell to file as a candidate for the county government review board.

"I'm very interested in our city and county government," she said. "I'm very interested in Lewistown. I really love Lewistown."

Pennell said she thinks she would enjoy serving on the board which would review Fergus County's current form of government. "And I'm willing to put in the time that it would take," she said.

She also has experience serving on other boards including nine years on the Lewistown School District No. One Board of Trustees and the state pharmacy board for nine years.

Pennell said she would go into the review with an open mind.

"I have no quarrel with the way the county has been going, but it's in our Constitution that every 10 years we can have a review, if that's what the people want.

"Since it has to be reviewed, I'm willing to look at what's going on.

Maybe we'll see some changes, maybe we'll decide it's fine the way it is."

Pennell was born and raised in Great Falls and has lived in Lewistown for 24 years. She and husband, Donn, met while they were both stationed in the Navy in San Diego and they married in 1954. They have five grown children and 13 grandchildren.

She has also been a den mother for the Boy Scouts, a member of AAUW, and actively involved in the community concert association, art center and Fergus County Combined Campaign.



Diana Pennell

11/2/74

PROFILE IN SHORT

Name: Diana Pennell.

Office seeking: County government review board.

Salary: None.

Political background: Former school board member.

Age: 68.

Resides in: Lewistown, Giltedge Route.

Current career: Retired.

Family: Husband, Donn; five children, 13 grandchildren.

Wicks going for return seat on board

Among the candidates for the county government review board, Joy Wicks of Lewistown has the distinction of having served on the government review board 20 years ago.

"I've been through this before," she said. "It was very interesting, and a real learning experience."

The study commission she was a member of then did recommend a charter form of government, but the county's electors voted not to make any changes.

When asked why she is running for this government review, Wicks said, "Basically, it's because I'm interested in government and it's a way to serve the community. I think that all citizens should take part in trying to understand our form of government."

Wicks said she has no proposals for change in the county govern-

ment review board. She said that experience taught her a lot about budgeting, which would be an asset for serving on the government review board.

Wicks is a Lewistown native and graduate of Fergus High School. She attended college at Montana State University and has taught school at Fergus and Moore, and taught GED classes.

She married Joe Wicks in 1950 and they have ranched at the base of the South Moccasins since then. They have three grown children and four grandchildren.

She has been an active member of the community, serving on the school board, chamber of commerce agriculture committee, Mental



Joy Reeder Wicks

Health Board, extension workers, AAUW, and is the choir leader at First Presbyterian Church. She has also recently been involved in Habitat for Human-

PROFILE IN SHORT

Name: Joy Wicks.

Office seeking: County government review board.

Salary: None.

Political background: Former school board member and member of government review board 20 years ago.

Resides in: Lewistown, Lower Spring Creek.

Current career: Retired.

Education: Attended Montana State University.

Family: Husband, Joe Wicks; three grown children and four grandchildren.

ment in mind. "I'm very open-minded about it. I feel it will have to be the will of the people, it'll depend on their input."

She did say issues they may be looking at include taxes and revenue, consolidation of offices and over-all efficiency.

Besides government review, Wicks has other board experience, having served on the Lewistown School District No. One Board of

Joe Trow seeking grassroots government

Joe Trow of Winifred said his quest of many years has been to have the government provide written legal land area size descriptions for public lands, and that's one of the reasons he decided to file as a candidate for the county government review board.

"I'm into grassroots government," Trow said. "And to govern, you have to govern by measured amounts of land. Every piece of government has a boundary."

However, Trow said, if the government can't "lawfully locate our U.S. government public lands, then it can't generate — due and receivable under law — dollars for local public services."

Trow has visited with many government officials at all levels of government for years about the public land acres issue, and said, to date, no one has produced the written legal land area size descriptions.

He said by filing for the government review board, he hopes to get some answers.

Trow is a father of 14 children, six of whom were adopted. He said he's had many job experiences, but the best has been being a father.

He said he would hope to serve on the review board.

"I'd like to be at the top third of my class," he said with a laugh. "There's 15 candidates and it's a five member board!"



Joe Trow

PROFILE IN SHORT

Name: Joe Trow.

Office seeking: County government review board.

Salary: None.

Political background: None.

Age: 65.

Resides in: North of Winifred.

Current career: Self-employed.

Family: 14 children.

Ivers wants to see changes

John R. Ivers Sr. said he would like to see some changes made in county government, and that's why he decided to file as a candidate for the county government review board.

"There are a lot of things that need changing," he said.

"I don't know if I would be able to help or not, but I'd like to try."

He said he feels the county is shouldering too much of the financial burden that belongs to the City of Lewistown.

"There's a lot the county is getting billed for that I don't think is right," he said. "It's my understanding that the city is doing quite a few things at the county's expense, and I think that should be changed."

Ivers said he has an interest in government, and would like to serve on the county government re-

view board. He and his wife, Eugenia, have lived near Forest Grove for the past five years.

"I had a home built on property up here in 1986," Ivers said. "We love it in Montana. I don't agree with all the people all the time, but the people I've met have been awfully nice."

Prior to moving to Montana the Ivers lived in Texas, where worked construction for 44 years. The Ivers have seven grown children, 32 grandchildren and eight great-grandchildren.

"I love this country," he said. "And I'm trying to preserve what Montana has here. I would like to have the opportunity to help all I can."

PROFILE IN SHORT

Name: John R. Ivers, Sr.

Office seeking: County government review board.

Salary: None.

Political background: None.

Resides in: Forest Grove.

Current career: Retired from construction.

Family: Wife, Eugenia, seven children, 32 grandchildren, eight great-grandchildren.

11/2/94



David Robertson

David Robertson, candidate for the County Government Review Commission, hopes to learn about how Fergus County is run if he is elected to the commission.

"I have an open mind and I want to learn what is going on," he said. "I have a lifetime of experience in working both from the employee standpoint and from owning my own business."

He said one area he hopes to learn more about is the budgeting process.

"I want to mainly find out how the county deals with budget and

fiscal problems and see if there are recommendations I can make to change them," he said. "I don't want to be changing things just to make if any needed to be made."

PROFILE IN SHORT

Name: David Robertson
Office: County Board of Government Review
Salary: None
Political Background: School board in Seldovia Alaska
Party: NA
Resides In: Lewistown
Current Career: Self-Employed
Education: Finished high school and completed one year at Eastern Montana College
Family: Wife Norma, three children and 10 grandchildren

McKennett offers conservative, Christian perspective to county

Tom McKennett, candidate for county government review, decided to run for the board "because I thought it was a good idea to have some representation from someone with a conservative and Christian perspective."

McKennett said he wants to see Fergus County retain its wholesomeness.

"Lewistown is our home, and I don't want the corruption we've seen living in larger cities to come here," he said.

McKennett and his wife, Becky, and their six children have lived in Lewistown for more than three years. "Becky is originally from Montana and her parents (Dave and Norma Robertson) living in Lewistown is one of the reasons we decided to move here," he said.

McKennett is originally from Portland, Ore. and attended Oregon State University, earning his teaching credentials. Since his graduation, he has worked primarily for Christian organizations. "That's how I met Becky," he said. "I was

become involved, and would be a good learning experience."

"I don't have any ax to grind," McKennett said when asked about changes he'd like to see. "But I would hope that we could do something about the amount of mandates handed down from the state to the county."

"I also don't like to see government take the role of big brother as far as some of the social services that should be the responsibility of private individuals and churches."

PROFILE IN SHORT

Name: Tom McKennett
Office seeking: County government review board.
Salary: None.
Political background: None.
Age: 41.
Resides in: Lewistown.
Current career: Independent producer.
Education: Graduate of Oregon State University, secondary education.
Family: Wife, Becky; children, David, Candice, Kristin, Deanna, Kimberly and Joshua.

11/2/94

News-Argus

covering Central Montana like the stars

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WEDNESDAY, NOVEMBER 9, 1994
LEWISTOWN, MONTANA 59457
THIRTY-FIVE CENTS

Area voter turnout high Bailey, Fleharty, Christensen among elected

Central Montanans turned out at the polls Tuesday.

In Fergus County, about 80 percent of the registered voters voted, a trend that was followed in Judith Basin and Petroleum counties.

"That's a very good turn out for an off-year election," said Fergus County Clerk and Recorder Debbie Pallett.

She said the high turn out in the county was at the Brooks' precinct (88 percent) while the low was at the Lewistown City Hall precinct (72 percent).

The last precinct reported in at 10 p.m. and the unofficial vote count was completed at 12:15 a.m., according to Pallett.

All of the results from Fergus County are available on page 3 of today's News-Argus.

County races

Fergus County voters spoke loudly in the county commissioners' race electing Republican Kathie Bailey with 2,199 votes (37.7 percent of the vote).

Independent candidate Jerry Van Haur was her nearest competitor with 1,464 votes (25.2 percent), followed by Kirk Eastman with 895 (15.4 percent), Robert McNeil with 804 (13.8 percent) and Clint Diekman with 460 (7.9 percent).

Republican Kathy Fleharty unseated Pallett as the clerk and recorder with 3,720 votes (63.4 percent) to Pallett's 2,149 (36.6 percent).

Jack Shields will take over as the new justice of the peace, replacing Tom Girvin. Shields defeated Milo Aasved 3,178-2,413.

Rep. Larry Grinde (R-Lewistown) withstood challenger Sheila Kolar by a 2-to-1 margin.

Voters also selected two five-person boards from crowded fields to review the city and county governments.

The county review board will include Ed Butcher, Leroy Musick, Beth Bergum, Diana Pennell and Joy Reeder Wicks.

The city review commission chosen by voters includes David Sather Jr., Anna Zellick, Bradley Parrish, Charles Cerovski and David Fry Sr.

Fergus County voters followed the state trend in rejected CI-66 (voter approval on any new proposed tax or tax increase) and CI-67 (any tax, tax increase, fees, or public spending require a 2/3 approval by the governing body).

Area voters also followed the state trend in supporting Republi-

Knox, Christensen win

In area-wide races, state Rep. Dick Knox (R-Winifred) defeated challenger Hugo Tureck 2,890 (66.4 percent) to 1,465 (33.6 percent).

Knox ran strongly ahead of Tureck in all three Central Montana counties but much more narrowly in HD93's newest precinct, Belt, where he led 288-245.

For 10th District Judge, Stanford's John Christensen defeated Lewistown's Craig Buehler 4,479-2,915, a 60.6-39.4 percent margin.

Petroleum County

The unofficial results from Petroleum county are:

- U.S. Senate: Conrad Burns 247-48.

- U.S. House of Representatives: Cy Jamison 169, Pat

Williams 92, Steve Kelly 33.

- Public Service Commission: Danny Oberg 194.

- Clerk of Supreme Court: Ed Smith 153, Jerry O'Neil 73.

- Supreme Court Justice Fourth District: William Leaphart 197.

- 10th District Court Judge: John Christensen 152, Craig Buehler 110.

- House District 93: Dick Knox 199, Hugo Tureck 81.

- County Commissioner: O. Thomas Pugrud 157, Shirley Wiggins 73, Lyle Chamberlin 60.

- Justice of the Peace: Lois Poulton 256, Daniel E. Petersen 60.

- Supervisor for Petroleum County Conservation District: Vic

(continued on page 3)

Election . . .

1994 Fergus County Unofficial Election Results...

Pct. 1 BROOKS
 Pct. 2 CRAWLEY
 Pct. 3 DAY
 Pct. 4 DENTON
 Pct. 5 BRASSRANGE
 Pct. 6 LEW. JR. H.
 Pct. 7 LEW. CORR. H.
 Pct. 9 LEW. MTH. ACRES
 Pct. 10 LOG TOWN
 Pct. 11 CITY HALL
 Pct. 13 LEWIS CLARK
 Pct. 14 MOORE
 Pct. 15 ROY
 Pct. 16 WILFRED
 Pct. 17 HIGH SCHOOL
 TOTAL

Local Government Review																
County	Pct. 1	Pct. 2	Pct. 3	Pct. 4	Pct. 5	Pct. 6	Pct. 7	Pct. 9	Pct. 10	Pct. 11	Pct. 13	Pct. 14	Pct. 15	Pct. 16	Pct. 17	TOTAL
Beth Bergum	118	85	129	179	119	255	190	145	126	142	120	148	113	197	147	2213
Edward B. Butcher	129	136	159	171	164	273	250	211	176	235	156	202	112	119	255	2748
Wayne Hannah	47	34	56	61	70	97	108	83	68	68	47	176	34	54	92	1095
John J. Harper	33	50	65	44	37	164	185	130	115	100	75	65	16	48	117	1244
David G. Holmgren	46	37	48	53	88	81	110	65	71	55	46	51	129	53	111	1044
John Humphrey	49	80	86	111	57	226	194	156	133	175	124	81	24	56	177	1729
John R. Ivers Sr.	43	49	31	74	75	51	75	55	41	50	33	40	23	27	93	760
Don Knechtges	34	51	65	49	35	179	146	66	64	87	106	52	12	24	164	1134
Tom McKennett	18	58	49	52	32	101	107	61	49	107	72	52	9	29	180	976
Leroy Musick	103	115	124	154	125	209	210	177	142	214	154	192	75	100	231	2325
Diana Pennell	74	120	111	108	85	228	194	171	128	179	143	127	40	59	204	1971
Donn Pennell	83	91	115	89	95	212	160	166	111	162	130	118	28	64	173	1797
David R. Robertson	36	47	75	62	98	167	136	158	71	100	67	119	20	27	135	1318
Joe Trow	71	56	93	47	70	128	100	79	61	82	44	113	83	96	97	1220
Joy Reeder Wicks	96	104	177	135	106	343	254	237	170	213	207	158	50	50	224	2524
City																
Leon Carpenter						182	187	121	82	142	75					789
Charles Cerovski						317	328	214	180	242	195					1476
David E. Fry Sr.						297	292	202	163	231	151					1336
Karl A Gies						325	242	180	159	207	178					1291
Gordon Higgins						131	146	132	80	137	77					703
John Humphrey						205	180	189	122	178	112					986
Leroy Musick						167	172	188	135	150	124					936
Bradley B. Parrish						347	292	250	197	227	217					1530
David Sather Jr.						470	364	283	237	303	267					1924
Anna Zellick						382	294	240	215	342	196					1669

Thank You

We thank you for your support.
We look forward to serving you.

The Fergus County Review Board

*Ed Butcher - LeRoy Musick
Beth Bergum - Diana Pennell
Joy Wicks*

Review boards to attend workshop

The city and county government review boards held their first meetings of organization.

The county board of Ed Butcher, Joy Wicks, Le Roy Musick, Beth Bergum and Diana Pennell met Friday, Nov. 18. Butcher was named chairman of the committee.

The city board of David Sather Jr., Chuck Cerovski, Brad Parrish, Anna Zellick, and David Fry Sr. met Tuesday, Nov. 21. Cerovski, who was also on the committee 10 years ago, was named chairman.

Both boards will be attending a workshop for all county and city review boards in the state in Bozeman Dec. 15 and 16.

LEWISTOWN ARGUS 1-14-95

What's happening

County government review commission to meet on Tuesday

The Fergus County Government Review Commission will hold a meeting Tuesday, Jan. 16 at 3 p.m.

The meeting will be held at the county superintendent of school office in the courthouse.

The meeting is open to the public, and anyone interested is welcome to attend.

Members of the commission are Ed Butcher, chairman, Alfred Bud Miller (ex officio member), Joy Wicks, Diana Pennell, LeRoy Musick, Bess Bergum, and Jeanne Parker.

The members of this group are available to speak to civic groups and organizations interested in hearing about the government review process.

For more information contact Jeanne Parker, secretary, at 538-9246.

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176
**County review
board meets
at courthouse**

The Fergus County Review Committee met at the courthouse, Dec. 29. The committee began the process of a two-year review of the county government.

During the time, they will interview various county office holders for their suggestions on county government, will consider other forms of government and will meet with the Lewistown Review Committee for suggested changes in both governments.

At the close of their work, they will either recommend a change in the form of government, recommend some changes, or submit there need be no change.

The next meeting of the committee will be at the Fergus County Courthouse Jan. 18, at 4 p.m. The public is invited to attend all meetings.

1/29/95
**County government
review sets meetings**

At a planning meeting held earlier this month the Fergus County Government Review Committee decided future meetings would be scheduled on the first and third Wednesday of each month.

The public is invited to attend these meetings.

The review committee formulated a time line for the coming two years. Public meetings will be

scheduled locally and in surrounding communities to gather information about the current form, functions and problems of local government. A summary of findings and recommendations will be published.

Elected officials are being invited to speak to the review committee at the scheduled meetings during the next three months.

The officials will be asked about the duties, roles and responsibilities of their office and staff, expenditures, responsiveness to citizens in providing services and possible improvements or changes that would be beneficial to the office and general public.

The next meeting of the review committee is set for 4 p.m. Wednesday, Feb. 1 in the Fergus County Courthouse.

2-12-95 Lewiston News Tribune

Commissioners speak to county review group

Fergus County Commissioners Kathie Bailey and Alfred "Bud" Miller and county attorney Tom Meissner were guest speakers at the Feb. 1 meeting of the Fergus County Government Review Commission.

The purpose of the review commission is to study the existing form and powers of the local government, procedures for delivery of local government services and to compare the findings with other forms available under state law.

Meissner serves as a full-time county attorney, presiding over district and justice courts. He emphasized his full support of the consolidation of the city and county courts and said that this move has been a positive and productive one which has also saved money.

Felony and misdemeanor prosecutions make up about 80 percent of his cases. Meissner works in cooperation with the probation officer and family services department.

Commissioners Miller and Bailey explained the budgeting process to the review commission, noting

those items that are classified as mandated and discretionary expenditures.

They noted that Initiative 105 limits the mills allowed for the general fund. The budget for each department is reviewed and approved by the commissioners, and budget meetings are open to the public.

Kathy Fleharty, clerk and recorder, and Susan Spurgeon, treasurer, will be the guest speakers at the review commission's Feb. 15 meeting.

The meeting is scheduled for 4 p.m. in the Fergus County Courthouse conference room. The meeting is open to the public.



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Treasurer, clerk and recorder offices reviewed by commission

Susan Spurgeon, County Treasurer, and Kathy Fleharty, Clerk and Recorder, reviewed the many and varied duties of their offices for the Fergus County Review Commission Feb. 15.

Spurgeon commented that the State of Montana mandates the procedure for the collection, disbursement and accounting of monies.

Fleharty gave credit to her staff for the smooth transition. Her goal is to improve public service and streamline office procedure.

Both departments have decreased the number of department employees.

The purpose of the review commission is to study the existing

form and powers of our local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state.

Spurgeon and Fleharty support the concept of electing the treasurer and clerk and recorder on a non-partisan basis. The duties of these offices are mandated by state law. They are elected to serve the people of the city of Lewistown and Fergus County.

District Court Judge John Christensen will be guest speaker at the March 1 meeting that will be held in the Fergus County Courthouse

conference room at 4 p.m. The public is invited to attend.

Following is a timeline the review commission currently intends to meet. The governing statute is listed where applicable.

- Dec. 8, 1994 - First organizational meeting for commissions which had appointments. Elected chairperson, vice chairperson, and secretary. 7-3-179(1).

- Dec. 29, 1994 - Planning meeting.

- Jan. 18, 1995 - All members of commission were elected, commission establishes timetable for its work. 7-3-186(1). Timetable to be published. Timetable may be revised. Timetable has requirements.

- Feb. 1995 through May 1995 - Interview elected county officials. Study self commission powers meet with city committee. 7-3-183.

- Spring and Summer 1995 -

- Prepare budget for July 1, 1995 - June 30, 1996 to submit to local governing body for approval. 7-3-184. Local governing body procedures to be followed.

- After May 1995 - Conduct one or more public hearings to gather information on the current form, functions, and problems of local government. Go to Denton, Moore, Winifred, Roy, Grass Range. Formulate, reproduce, and distribute tentative report, following guidelines for final report. 7-3-186(2). Work conducted as specified by the adopted timetable.

- Oct., Nov., Dec., 1995 - Conduct one or more public hearings on tentative report.

- Spring and Summer 1996 (if election is June) - Determine election date. If necessary, prepare budget for July 1, 1996 - June 30, 1997, to submit to local governing body for approval. 7-3-184.

- May 1, 1996 - Adopt final report. 7-3-187. Final report must be made available to electors at least 30 days prior to election on any proposed alternatives. Summary must include comparison of existing and proposed plans of governmental.

- As determined by local study commission - Publish summary of findings and recommendation. 7-3-191.

- June 4, 1996 - Hold election on any proposed governmental alternative. 7-3-192(1). Election must be held within 120 days of adoption of final report if any governmental changes are proposed.
- June 18, 1996 - File report on results of Nov. 4/June election. 7-3-174. If election was held earlier, the report if filed within 15 days of the date that the election results become final.

March 1, 1995

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176 **Christensen speaks
to county review group**

The process of becoming a District Court Judge in Central Montana was presented to the Fergus County Government Review Commission for their March meeting.

John Christensen has jurisdiction over legal cases in Judith Basin, Petroleum and Fergus County. The juvenile probation office and family service division are accountable to the District Judge.

An overloaded calendar and complicated budget system has left Judge Christensen with little spare time to evaluate the overall structure yet. As he becomes more familiar with state mandates he wants to fine tune the system to make it more economical as well as efficient.

The March 15 meeting of the Commission will be an indepth study of alternate forms of govern-

ment in relation to the local area which might be a feasible plan, the whys and how to present the idea to the future community meetings for their thought and consideration.

The March 15 meeting will be at 4 p.m. in the Fergus County Courthouse Conference Room. This commission was elected by the voting taxpayer of Fergus County. Your input is needed in order to fulfill the task assigned to the commission.

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176
**County
review board
meeting is set**

The Fergus County Study Commission is in the process of reviewing the existing form and powers and procedures of the county's government.

The commission is comparing existing forms with other forms available under the laws of the state.

If some changes are deemed necessary, the study commission may submit such proposed changes to the electors.

Public opinion is sought.

Join this study of existing government and the alternatives Wednesday, April 19 at 4 p.m. in the conference room of the superintendent's office, first floor of the Fergus County Courthouse.

Fergus County Superintendent of Schools Shirley Barrick will be the guest speaker.

Sunday April 30, 1995

Cloyd to speak to county review

Jerry Cloyd, county coroner, will be the guest speaker to the Fergus County Government Study Commission at their May 3 meeting.

The study commission will be meeting in the conference room of the County Superintendent of Schools office, first floor in the Fergus County Court House at 4 p.m.

Shirley Barrick, Fergus County Superintendent of Schools, was the guest speaker at the commission's April 9 meeting.

Barrick presented information about her responsibilities and the significance of her office.

"Fergus County is a large county of more than 4,000 square miles," she said. "Several of the schools are 40 miles from Lewistown and more than 70 miles from each other."

Barrick said the county superintendent's office is the means by which centralized services to all those districts can be coordinated for meetings, correspondence, county-wide training and a positive collaboration of K-12 education process.

She said the county superintendent's office also serves as an information center for all

agencies regarding educational information for the county as well as education information within the state.

The office of county superintendent was created before Montana officially became a state. "It should remain as a vital entity in the process of renewing Montana education into the 21st century."

The study commission, elected by voters and charged with recommending an alternative and hopefully better form of government, invites the public to attend these meetings.

Members of the Fergus County Government Commission are Ed Butcher, Joy Wicks, Diana Pennell, LeRoy Musick, Beth Bergum and Alfred (Bud) Miller.

The May 3 meeting is open to the public and the commission members encourage citizens to attend.

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174 **Review commissions are diligent, thorough**

While public attention is focused on water and other issues, two groups are working hard on recommendations that could have significant and lasting local impact.

The county and city (see page 3) government review commissions, elected by local voters in November, are working their way through a careful study of the two governments.

Within a year, they will consider recommending alternative (and possibly better) forms of government, and county and city voters will decide whether or not to adopt them (on the June 1996 primary ballot).

We believe both commissions are being thorough and diligent in their work, and we look forward to public hearings and discussion on their recommendations next spring.

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174 **City, county
review boards
to meet this week**

The Lewistown City Government Review Commission and the Fergus County Government Review Commission will be holding two joint meetings this week.

The two commissions will meet at 7 p.m. Tuesday, May 9 and again Wednesday, May 10 at 7 p.m. at the the city complex.

The public is invited and encouraged to attend.

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**County and city review
boards hold joint meeting**

by Anna Zellick
Special to the News-Argus

The Lewistown City Review and Fergus County Review commissions held their first joint meeting Tuesday evening at the city complex.

City review commission chairman Dave Fry opened the meeting with an announcement that Charles Cervski is much improved.

The purpose of the meeting was to get acquainted and to learn the progress being made by each of the commissions. Both are still in the fact-finding stage.

The city commission at its next meeting will start to interview the department heads. What the elected and appointed officials think about their jobs and the services that they are rendering is the first step that must be taken before these two commissions can proceed with their study.

Based on those officials who have been interviewed, there seems to be a preference for election on a nonpartisan basis. Councilmen are already elected on that basis.

Also there seems to be a preference for term limits. There was considerable discussion on consecutive term limits. While he supported limits on consecutive terms, county review commission chairman Ed Butcher said it would not be good to exclude a highly qualified candidate from ever returning to his former post.

Were there any city and county services that could be combined or consolidated?

This was discussed at great length. Chairman Fry said that the city commission is still interviewing officials and has not had the time to even consider consolidation.

Chairman Butcher said with them "the topic has been thrown on the table," but not considered.

Both commissions agreed that consolidation of law enforcement services might be considered. This could possibly include coroner as well as sheriff and police.

Chairman Fry pointed out that the department heads will give their input when they are interviewed. Also it was suggested that this could be a major topic to be taken

up at the first public hearing scheduled July 11.

The other offices that might be consolidated are that of the city and the county attorney. Tom Meissner, as it was reported earlier, favors consolidation. The views of Monte Boettger are unknown. It was suggested that this topic might be considered at a later date.

Discussion then centered on the citizens. What did they have in mind when they voted to have a review of their city and county government? Do they expect changes in the form of their local governments? Do they want consolidation of services? Why aren't they coming to the meetings which are well publicized in advance?

It is hoped that they will attend public hearings as they are announced.

There will be a tour of city and county facilities by both commissions on June 27 and 28. No study can be made without taking into consideration the status of existing facilities.

Following the departure of county review members, Chairman Fry then asked Mayor Dick Ellestad to report on his office.

He was pleased to announce that plans are already underway for a training program for our public officials and employees. Sometime during this year there will be a one-day seminar, conducted by an expert and at a reasonable cost.

This training will help improve the quality of service and will help to make our local government more efficient. Chairman Fry reiterated, as he has done so many times before, that the elected officials are not fully aware of the statutes under which the city is governed.

Besides Fry, Butcher and Ellestad, others attending the meeting were: Brad Parrish, Dave Sather Jr., Dianna Pennell, LeRoy Musick, Anna Zellick and Jeanne Parker, secretary for the county commission.

The next city review commission meeting will be held May 23 at 7 p.m. at the City Complex. The meeting is open to the public.

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Ross to speak at county government review

Greta Ross, county clerk of court, will be the guest speaker at this week's meeting of the Fergus County Government Study Commission.

The commission will meet Wednesday, May 24 at 4 p.m. in the superintendent of school's office at the Fergus County Courthouse.

Its meetings are open to the public.

The commission was elected by local voters in November 1994 to study county government and make recommendations to the voters for any changes it feels would make county government better.

Issues related to the clerk of court's offices that the commission will discuss Wednesday include:

- The number of employees in the office.
- Operational cost of the de-

partment.

- Staff duties.
- Possible efficiencies from personnel or procedure changes.
- Whether or not the clerk of

court should be appointed rather than elected.

- What effects these changes would have on the citizens of Fergus County.

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174 Consolidation isn't always a bad word

Two groups of dedicated individuals – first authorized and then chosen by local voters – are now working their way through a lengthy process. The city and county review commissions – separate groups embarked on similar journeys – have been asked by local voters to study the forms of existing city and county governments, respectively, and to recommend how they might be improved.

Consolidation is not part of their mission.

We'd better repeat that: consolidation is not part of their mission.

But their work is focusing attention on how to improve local government.

They'll soon ask all of us to give our ideas and input to help them develop recommendations to present to area voters. The city commission, for example, will hold a public input-gathering meeting July 11.

In the meantime, we encourage city and county governments – now working their way through a difficult budget process – to seek any and all ways to deliver services more efficiently by combining or sharing them.

Central emergency dispatch is an obvious one.

The city has developed, equipped (by using its federal 911 funds) and manned a 24-hour emergency dispatch. Progress was made because city officials took decisive action, ending years of contentious and unproductive wrangling over where a central dispatch should be located and how it should be funded.

The obvious next step, it seems, is to combine the sheriff's dispatch with it. This would, without question, save taxpayers money and improve service.

Residents and taxpayers from the Missouri River to the Snowies would benefit, as could the people of Judith Basin and Petroleum counties.

The City of Lewistown and Fergus County already cooperate in many ways to the benefit of both. Are there other areas where cooperation, sharing resources or even consolidation could reduce expensive duplication and improve services?

Should we discuss consolidating city and county law enforcement?

Are there efficiencies and savings to be realized? Can we improve the overall quality of services rendered to county and city residents through a combined, professionally managed law enforcement agency?

There are likely differing opinions on this.

How do we – with such a politically charged question – calmly and objectively study the issue and decide what would best serve the people of Fergus County?

Our biggest challenge, it seems, is to find the courage to ask whether and how it might work. Knowing that someone won't like the question even being asked seems to be enough to stop most of us in our tracks.

Central Montanans have shown themselves over the years to possess great common sense. Given the chance, we generally can figure out what needs to be done and then do it.

The budget pressures on city and county governments may force us kicking and screaming into studying better use of our resources. Wouldn't it be better to get there first on our own?

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Options for county revealed

The fruits of last fall are coming to bear for Montana voters.

During the election voters were asked whether they wished to conduct a review of their local governments. As a result, Fergus county joined 32 other counties and 79 municipalities to establish study commissions at the Nov. 8, 1994

general election.

And now the first public hearing for voters input is ripe on the vine and scheduled for Aug. 29, at 7 p.m. at the Lewistown Community Center.

The elected study commission members will present three options for Fergus County voters at the

meeting - the commission, or present form of county government; the commission manager and the commission/chairman.

Committee members Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum, LeRoy Musick and Bud Miller have studied and compared various forms of government, including a commission executive (similar to mayor); town meeting; charter, where a county constitution is written and a self government power, besides the three options that will be discussed at the public hearing.

The entire review process has evolved from the idea that local officials and voters are best positioned to make the hard decisions effecting the well being and survival of their communities.

The Montana state constitution and existing legislation provide local authorities and their voters ample authority to achieve "structural or functional consolidation."

Other options for voters to consider at the public hearing

include the partisan or non-partisan election of all county officials; the combination of offices; concurrent or overlapping terms; elect a district advisory council; consolidation of city and county law enforcement and the consolidation of the county and city attorney.

The study commission cannot make recommendations about consolidation city and county government, courts, schools, planning and zoning regulations, the conduct of elections, hunting and fishing regulations, sales and income taxes, the right to keep and bear arms or debt limitations on general obligation bonds.

In an effort to present the three options the study committee will present at the public hearing, the News-Argus will cover each option in future editions leading up to the Aug. 29 meeting.

For more information about the study commission or the three options facing voters, call Ed Butcher at 462-5627, or Gennie Parker at 538-9246.

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County commissioner system reviewed in series

In their search for a better way for Fergus County's government to operate, Fergus County's study commission has come up with three options for county voters to compare - the commission or present form of county government; the commission manager and the commission/chairman.

In an effort to help voters decide which option appeals to them, the

News-Argus is running a series of articles explaining the three options.

In the second of a four-part series, the commission, or present form of county government will be examined.

The county commissioner government is a form that's primarily a county phenomenon, both with respect to Montana and the nation as a whole. It is used in '85 to '90 percent of the 3,000-plus counties in the United States.

This form has its roots in medieval England, and it has remained essentially unchanged since the middle of the 19th century.

Unification is the theme of the commission form. The commission plan locates in the elected commissioners all legislative, executive and administrative powers and duties.

The commission form is the most frequently criticized plan of local government in use in the U.S.

Its inherent weaknesses - attributable to the lack of a single executive - are little policy leadership, poor administrative coordination and poor official accountability to citizens.

On the other hand, in rural counties that still function primarily as administrative arms of the state and are little involved in independent program operation, the basic commission form might continue to be a good plan of government. Elected county commissioners mean government by friends and neighbors.

These officials often are elected and become experienced, long-term public servants. As community natives, they reflect local attitudes and values, and their administration is characterized by informality and familiarity.

Fifty-three of Montana's 56 counties operated under the commission plan of government. The exceptions are Anaconda-Deer Lodge, Butte-Silver Bow, and Petroleum counties.

Fergus County voters will be able to voice their input at the first public hearing scheduled for Aug. 29, at 7 p.m. at the Lewistown Community Center.

For more information about the study commission or the three options facing voters, call Ed Butcher at 462-5627, or Jeanne Parker at 538-9246.

176 County government review looks at commission-manager

One of the three options that an elected study commission has come up with for a better way for Fergus County's government to run is the commission-manager.

In an effort to help voters decide which option appeals to them, the News-Argus is running a series of articles explaining the three options at which the commission is looking.

In the third of a four-part series, the commission-manager form is examined.

The commission-manager form frequently has been the focus of re-organization efforts throughout the nation.

In Montana, the manager plan also has been a frequent goal of reformers.

If Fergus County voters are curious how a commission-manager form of county government works, they don't have to look very far for an example.

Petroleum County, Fergus County's neighbor to the east, is the only county in the Big Sky state that uses this form of government.

Stephanie Downs has been serving as manager for two-and-a-half years in Petroleum County, which changed over to the commission-manager form of government in the mid 1940s.

But while Petroleum is the only county to use this form of government, the cities of Bozeman, Columbia Falls, Livingston and Kalispell also use the commission-manager type of government.

The Montana commission-manager law provides that an appointed manager is the chief administrative officer of a local government.

It leaves no doubt that this person is in charge of running the local government on a daily basis. The manager is empowered to administer local governmental affairs; direct and supervise all departments and agencies; prepare and execute the budget; appoint, suspend, remove and be responsible for all county employees and to prepare the commission agenda.

But even with all that power, commissioners are in "the driver's seat" in terms of being responsible for the government's policies and direction.

The commission is an elected ordinance-making body and the depository of all the county or municipality's powers. The commissioners appoint the manager on the basis of merit for an indefinite term and can dismiss the manager with a majority vote.

The basic rationale of the commission-manager form of government is strict separation between policy-making and administrative functions. This means the professional manager is substantially independent of the elected commissioners in administering the day-to-day affairs of the government.

The commission-manager form is designed to increase the chances that governmental power will rest in the hands of a few competent persons.

The key feature of the form is the professional manager, who is appointed by the commission members.

The concentration of administrative power in the manager's office is expected to lighten the work load of the commission.

As a result, different kinds of people might be attracted to run for a seat on the commission - business or professional persons, for example, who are competent and who would be willing to spend a few hours a week in this job.

Critics of the commission-manager form of government find fault with its upper-middle class bias.

Such an orientation allegedly stems from the manager's professionalism and at-large and non-partisan election of commissioners.

Opponents also contend that a manager has too much power for a non-elected official. Another frequent criticism is that the form lacks an elected official who can emerge as a strong policy spokesman for the public.

These complaints are most likely to surface in communities that have a diverse occupational make-up, a large population of poor persons or communities that are experiencing significant changes.

During the 1976 local government review process, 40 local government units (23 counties and 17 municipalities) voted on proposals for commission-manager governments.

During the 1986 local government review process, five counties and seven municipalities voted on proposals for commission-manager government - none adopted the proposed change in government.

Fergus County voters will be able to voice their input at the first public hearing scheduled for Aug. 29, at 7 p.m. at the Lewistown Community Center.

For more information about the study commission or the three options facing voters, call Ed Butcher at 462-5627, or Jeanne Parker at 538-9246.

Aug. 26, 1995

August 26, 1995

Options for county revealed

The fruits of last fall are coming to bear for Montana voters.

During the election voters were asked whether they wished to conduct a review of their local governments. As a result, Fergus county joined 32 other counties and 79 municipalities to establish study commissions at the Nov. 8, 1994

general election.

And now the first public hearing for voters input is ripe on the vine and scheduled for Aug. 29, at 7 p.m. at the Lewistown Community Center.

The elected study commission members will present three options for Fergus County voters at the

meeting - the commission, or present form of county government; the commission manager and the commission/chairman.

Committee members Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum, LeRoy Musick and Bud Miller have studied and compared various forms of government, including a

commission executive (similar to mayor); town meeting; charter, where a county constitution is written and a self government power, besides the three options that will be discussed at the public hearing.

The entire review process has evolved from the idea that local officials and voters are best positioned to make the hard decisions effecting the well being and survival of their communities.

The Montana state constitution and existing legislation provide local authorities and their voters ample authority to achieve "structural or functional consolidation."

Other options for voters to consider at the public hearing

include the partisan or non-partisan election of all county officials; the combination of offices; concurrent or overlapping terms; elect a district advisory council; consolidation of city and county law enforcement and the consolidation of the county and city attorney.

The study commission cannot make recommendations about consolidation city and county government, courts, schools, planning and zoning regulations, the conduct of elections, hunting and fishing regulations, sales and income taxes, the right to keep and bear arms or debt limitations on general obligation bonds.

In an effort to present the three options the study committee will present at the public hearing, the News-Argus will cover each option in future editions leading up to the Aug. 29 meeting.

For more information about the study commission or the three options facing voters, call Ed Butcher at 462-5627, or Gennie Parker at 538-9246.

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County review group favoring a rare choice

An elected study commission has come up with three options for Fergus County voters to mull over before a public hearing, scheduled for Tuesday, Aug. 29.

In an effort to help voters decide which option appeals to them, the News-Argus is running a series of articles explaining the three options.

In the fourth of a four-part series, the commission-chairman form will be examined.

The commission-chairman form of local government is an optional plan with which the Big Sky state has had little experience.

In fact, this form of government is virtually unknown and untried in the United States.

It's also the option that the elected commission members have looked at the most seriously as a replacement for the current form of local government.

This hybrid mix of the commission and the strong executive forms is used in no Montana county, but was adopted in Virginia City and Broadview in 1976.

The commission-chairman form features an elected commission and a commission chairman who is selected by the commissioners from among their number and serves at the commission's pleasure.

The commissioners have only policymaking powers, and the chairman is the chief executive officer and what's commonly known as the head of the local government.

The chairman is the commission's presiding officer and has the same voting power as any other commissioner.

The identifying characteristic of the commission-chairman form is its fusion of legislative and executive powers in one person.

If the chairman and commission majority are of one mind, the stage could be set for decisive and unobstructed government.

On the other hand, government watchers remind voters that the selection process and nature of the chairman's position can be grounds for uneasiness.

From the perspective of accountability, the voters are not able to choose directly the person who will exercise substantial executive powers.

Also the possibility exists that no commission member will measure up to the demands of the chairman's job.

By its very nature, the relationship between commission and chairman could result in unstable government.

Because the powerful chairman retains office at the pleasure of the commission, rapid changeover in chairmen is possible. This could lead to major policy reversals.

In a handbook by the faculty and staff of the Montana University System, the Montana Association of Counties, the Montana League of Cities and Towns and the office of the lieutenant governor, study commission members are urged to give this form of government careful consideration before recommending it as a form of government.

The form tends toward either big success or big failure and perhaps is risky, according to the handbook.

Since 1976, the commission-chairman form of local government has been looked at closely then rejected by some Montana voters.

Seven localities voted down proposals to switch to commission-chairman government: Fairfield, Lima, Ekalaka, Cascade, Melstone, Conrad and Wibaux County.

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176 County review commission public meeting is Tuesday

Is there a better way for Fergus County's government to operate?

That's the question facing an elected commission searching for the answers for Fergus County voters.

During the election last fall, voters were asked whether they wished to conduct a review of their local governments.

After voters approved the review process, Fergus County joined 32 other counties and 79 municipalities to establish study commissions.

Committee members Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum, LeRoy Musick and Bud Miller have studied and compared various forms of government including a commission executive (similar to mayor); town meeting; charter (where a county constitution is written) and a self-government power.

In its review, the commission members have narrowed what they believe offers the best alternatives for Fergus County to three options: the commission, or present form of county government; the commission-manager; and the commission-chairman.

The entire review process has evolved from the idea that local officials and voters are best positioned to make the hard decisions effecting

the well being and survival of their communities.

The Montana state constitution and existing legislation provide local authorities and their voters ample authority to achieve structural or functional consolidation.

The study commission cannot make recommendations about consolidation city and county government, courts, schools, planning and zoning regulations, the conduct of elections, hunting and fishing regulations, sales and income taxes, the right to keep and bear arms or debt limitations on general obligation bonds.

For more information about the study commission or the three options facing voters, call Ed Butcher at 462-5627 or Jeanne Parker at 538-9246.

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County 176 government review topic of Lunch and Learn

Learn while you lunch at 12:05-12:55 p.m. Tuesday, Sept. 19 in the Lewistown Public Library's upstairs meeting room.

The Lunch and Learn program for that day will be "Your County Government Report."

Members of the county government review commission will be sharing information they have gathered during their review of the existing county government system.

There will be time for questions and citizen input, making this particular Lunch and Learn especially important.

Lunch and Learns are scheduled on the third Tuesday of every month from 12:05 to 12:55. The public is always welcome to bring sack lunches and "learn while they lunch."

The program is sponsored and organized by the Montana State University (MSU) at Fergus County extension office.

For more information about the Sept. 19 program or to make suggestions for future programs, contact MSU extension agent, Alice Bautz, at 538-3919.

9/30/96

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Public comments on county government options

by KEN SPENCER

Fergus County government probably could find a better way to operate – at least that was what an elected commission looking into the process heard at the first public hearing of the government review commission.

A crowd of 17 people listened while commission members Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum and LeRoy Musick presented the three options the commission felt best represented Fergus County's needs. County commissioner Bud Miller was unable to attend the meeting.

By the end of the meeting, the general feeling was that the commission-manager form should be looked at more closely as an alternative to the present commission

form.

However, Butcher announced a surprise finding that could appeal to those who want change, but without getting rid of the present commission form.

Although the city of Lewistown is undergoing a similar government review process, Butcher was quick to remind the crowd that this public hearing was a "different animal" than the city is.

"There is a definite distinction from the city review," he said, then told the audience the history behind the review.

"We're here to fine-tune what we have. These 10-year cycles allow us to do that."

Each of the three options were then presented.

The three options the commission presented included the commission, or present form of county government; the commission-manager and the commission-chairman.

The commission-manager form would consist of a commission

made up of elected commissioners who would then hire a manager to run the business of the county. The manager would serve at the pleasure of the commission and could be relieved of his or her duties at any time.

The commission-chairman form was discussed at length, but dismissed as too farfetched by members of the audience. This form of government would consist of a full-time chairman elected by the commission from their own membership of not less than five members.

This form would require Fergus County to create two additional commissioner positions and the additional payroll to support them.

Other options discussed at Tuesday night's meeting included the consolidation of various offices and positions in the county.

Responding to audience member Karl Gies' concerns about the erod-

(continued on page 3)

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(continued from page 1)

Public . . .

ing of self-governing powers at the local levels, Butcher announced he had received word from the Local Government Policy Council at Montana State University-Bozeman that a way had been found to write a charter into Fergus County's present form of government that would allow more self-governing powers.

A combination of the sheriff and coroner was discussed, as well as a consolidation of the city and county treasurer.

Audience member Lil Zwolle raised the issue of combining the city police and sheriff's department, but that idea was quickly shot down as unfeasible.

The option of having county government become non-partisan was also discussed.

Zwolle told the commission that she believed that Fergus County should stick with partisan politics, while others in the audience disagreed, saying it was time for the

county to get in step with other counties and become non-partisan.

During a wrap-up of the meeting, it was agreed on that the commission-manager form of government and the possibility of writing a charter to ensure more self-governing power into the present form should both be looked at as methods of governing that might work best for Fergus County.

Commission member Pennell told the audience that the commission was aiming to have the options available for Fergus County voters by the primary election, before the clamor from the presidential race drowned out local politics.

Butcher told the audience that the commission would take the information gathered at the hearing and research the options more carefully. "In six weeks or so, we'll have another meeting and focus on one option."

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Lunch and Learn topic is government

176 County government review commission members will make a presentation at the Sept. 19 Lunch and Learn.

Tuesday's program is scheduled for 12:05 to 12:55 p.m. in the upstairs meeting room of the Lewistown Public Library.

The public is invited to attend and are encouraged to bring bag lunches and learn while they eat.

Lunch and Learn programs are sponsored by the Montana State University extension service at Fergus County.

For more information about the Sept. 19 program or to ask about future programs, contact extension agent Alice Bautz at 538-3919.

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176 County review group to meet

The Fergus County government review study commission will meet Wednesday, Sept. 27.

The meeting will take place in the county superintendent's office at 3 p.m.

The public is invited to attend.

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176 County

The Fergus County Government Review Commission will meet Thursday, Oct. 12 at 3 p.m. in the county superintendent's conference room in the Fergus County Courthouse.

The commission will work on the subject of self-governing powers as an option for the citizens of Fergus County.

The commission is available to present programs for community organizations. Its members are Ed Butcher, Joy Wicks, Diana Pennell, Beth Bergum, Bud Miller and Leroy Musick.

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What's happening

County government review commission to meet on Tuesday

176 The Fergus County Government Review Commission will hold a meeting Tuesday, Jan. 16 at 3 p.m.

The meeting will be held at the county superintendent of school office in the courthouse.

The meeting is open to the public, and anyone interested is welcome to attend.

Members of the commission are Ed Butcher, chairman, Alfred Bud Miller (ex officio member), Joy Wicks, Diana Pennell, LeRoy Musick, Bess Bergum, and Jeanne Parker.

The members of this group are available to speak to civic groups and organizations interested in hearing about the government review process.

For more information contact Jeanne Parker, secretary, at 538-9246.

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176 County review input is wanted

Public input is needed from city and rural residents.

If you live inside the city limits or in the country, you are able to voice your feelings and opinions to the Fergus County Local Government Review Commission.

The commission has been meeting on a regular basis, hammering out ideas and reviewing the form of county government.

The panel has decided, after much input from the public, that the commissioner form of government is working well in Fergus County, according to Ed Butcher, chairman of the panel.

"During our hearing, we have felt that people are satisfied with the commissioner form of government," said Butcher.

The form of government will not be changed or put to a vote during the November general election. They are, however, taking a long, hard look at the roles and duties of the county. Voters will likely be seeing the charter on the ballot.

The commission is in the pro-

cess of writing a charter, which is a mini-constitution that will bring more powers and duties back to the local government.

"As part of this charter, we are giving the county government self governing power," said Butcher. "We are bringing that rule-making ability down to the county level."

The group will hold another working meeting early next week and will schedule and prepare a public hearing later in the month.

According to Butcher, the commission encourages all interested people, including those residing within the city limits of Fergus County, to attend and voice their opinions.

Feb. 1996

Our Opinion

It's time to do our homework

Voters in Lewistown and Central Montana who go to the polls in the primary election in June have some important decisions to make.

On the ballot will be a proposal by the city review commission to change the form of government from city council to city manager. In addition to this proposal, the commission is presenting a city charter, which will soon be finalized.

At the same time, another study commission has been hard at work receiving public input and drawing conclusions of its own. The Fergus County local government review, after much deliberation, has decided not to recommend a change in the form of government for Fergus County.

The panel has, however, drafted a constitution or charter for Fergus County.

Voters will have to choose for or against the charter, along with one option which would allow for an elected three-member community council.

These choices are important and voters almost two years ago expressed that sentiment by voting for a review of the form of government for the city, as well as the county.

Each one of these panels are represented by five unpaid commissioners who were

elected in November of 1994. Brad Parrish, Anna Zellick, Dave Sather Jr., Karl Gies and Dave Fry Sr. sit on the city study commission. Mayor Dick Ellestad represents Lewistown, as the ex officio member.

The elected members of the county review commission are Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum and LeRoy Musick. Fergus County Commissioner Bud Miller has been the ex officio member.

These people have done their homework and are now ready to present their conclusions to the public for final discussion.

Both groups have announced their public hearings. The city government review meeting is planned this Tuesday, Feb. 13 and the county hearing will be Friday, Feb. 23.

Now it is time for us, the citizens of Lewistown and Fergus County, to do our homework. We owe it to ourselves and these hardworking people we elected to go to the polling places informed and educated on the issues at hand.

We can do that by attending these hearings, reading the materials they are presenting and asking them questions and sharing our ideas.

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174 County government review public hearing set for Friday

Is there a better way to operate Fergus County government?

The members of the Fergus County Local Government Review Study Commission have spent much time and energy working on answers to that question.

The commission recently held another working meeting and hammered out the final draft of the charter and an option to be voted on in the June primary election.

The commission also scheduled the public hearing for Friday, Feb. 23 from 4-5:30 p.m. at the Fergus Center for the Performing Arts.

The hearing is scheduled in conjunction with the Class 7-C district tournament and study commission members will be present in the hallway, prior to the hearing, to an-

swer questions.

The commission would like to collect public opinion on the proposal from rural, as well as city residents. Any registered voter within Fergus County will be able to vote on the issue.

The charter will systematically arrange the existing laws of the county's operation in one document, the county constitution.

The charter will require a minimum of one regularly scheduled county commissioner meeting per month with a published agenda. It also calls for county level elected officials to run for office on a non-partisan basis.

The charter will remove administrative decision making from the hands of state bureaucrats, when al-

lowed by state and federal law, and give it back to the county elected officials.

The elected study commission has determined, after receiving public comment, not to put on the ballot a change in the form of government in Fergus County.

Residents in the City of Lewistown will, however, be addressing that very issue in the polls deciding whether they will choose a proposed city manager form of government.

The county study commission consists of five elected members, Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum, and LeRoy Muck. Fergus County Commissioner Bud Miller sits on the panel as an ex officio member.

After the Feb. 23 hearing, the panel is planning public information meetings in Central Montana towns such as Winifred, Grass Range, Denton, Roy and Moore. They will be held in coffee shops and senior centers.

Any group or organization who would like to request a member of the commission to speak or hold an informational session, may contact Ed Butcher at 462-5627, or any other member.

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County government review to hold public hearing Friday

The Fergus County Government Review Study Commission wants to know how the public feels about its proposed charter.

A public hearing to do just that will be held Friday, Feb. 23 from 4 to 5:30 p.m. at the Fergus Center for the Performing Arts.

The hearing will be held in conjunction with the Class 7C District Basketball Tournament at the Fergus Fieldhouse and members of the commission will be on hand before the hearing to answer any questions.

The charter will systematically arrange the existing laws of how the county operates into one document, or constitution for the county.

It also requires a minimum of one regularly scheduled meeting of the county commissioners per month with a published agenda, and

that county level elected officials run for office on a nonpartisan basis.

The charter also looks to give the administrative decision making back to the county elected officials and take it away out of the hands of state bureaucrats when it's allowed by state and federal law.

The study commission has decided not to recommend a change in the form of the county's government. The charter, however, will be on the June ballot.

After the public hearing, the commission plans to hold public information meetings in the towns of Denton, Grass Range, Moore, Roy and Winifred. They will be held in coffee shops and senior centers.

Any group or organization which would like a member of the commission to speak to their group

or hold an informational session may contact commission chairman Ed Butcher at 462-5627.

Other members of the commission, who may also be contacted, are Joy Wicks, Diane Pennell, Beth Bergum and LeRoy Musick. County commissioner Bud Miller also sits on the panel as an ex officio member.

County review group receives input

Turnout is small for study commission's informal hearing

by JANE McFARLANE

Friday was the day to voice your opinion and ask questions.

That was when the local government review for Fergus County held an informal hearing to gain public input on the proposed charter and option to be on the ballot in June.

Only a handful of people turned out, including one who has filed for county commissioner, another who is currently obtaining signatures to file as an Independent, and a former county commissioner, as well as two current commissioners.

Many had questions about the proposed change to a nonpartisan election of the county commissioners.

Rod Berg, who is presently seeking signatures to file as an Independent, questioned how the filing procedure would work.

"The way I understand it, you couldn't have to go through the Independent filing process like right now," said Ed Butcher, study review chairman.

Butcher explained that in the new proposal, the primary election would eliminate all but the top two vote receivers who would go on to the general election.

"It's not really fun to have six or eight people in the general election.



Fergus County Government Review Commission members (left to right) Ed Butcher, Diane Pennell and Joy Wicks answer questions and hand out printed materials spelling out the proposed charter and option to be on the June ballot.

It kind of makes it a level playing field for everybody," said Jim Gamble, who has filed for commissioner.

The group expressed no real opposition to a nonpartisan election of all county officials. There was a lengthy discussion of the pros and cons of each.

"I'm not completely against getting the signatures," said Berg. "The hardest part is after the water issue, people are pretty cautious about what they sign!"

Berg explained that he has to obtain 244 signatures before he can file for the office. "Which isn't a lot. But it's good, it gets you out into the community."

"The pluses are, I personally have friends who happen to be Democrat, who said they would vote for me in the primary if they didn't have to vote Republican," said Gamble expressing his sentiment on the current straight ticket voting in the primary.

The group discussed how a nonpartisan election would eliminate strategies of voting across a party line for a weaker candidate to eliminate competition for favored candidate in the general election.

"And this cleans up the game plan on the county level," said Butcher. "There really are no issues in the parties at the county level."

Several questioned if the group had spoken to the Central Committee parties. Butcher explained that they had spoken to the groups.

"I haven't seen any that are real upset that I know," he said.

cils is these people are non-paid and will serve as advisors to the commissioners in this district," said Butcher.

Should Option One be accepted by the voters, the advisory council would be mandatory. If defeated, the group would only be established at the commissioner's discretion under the passing of the charter.

LeRoy Musick, a review panel member, explained that the advisory council could be an educational op-

(continued on page 2)

"I disagree, they are concerned but they aren't voicing it," said Bob Phillips, a former county commissioner.

There was discussion of the proposed Option One.

This option would propose a community council to the county commissioners. The advisory group would be a made of three elected members from each district.

"The idea of the advisory coun-

County review . . .

(continued from page 1)

portunity for the future leaders of the county.

Phillips expressed his concerns about the advisory council. He said the commissioners were already available to the public for comments and thought there would be problems with having enough people interested in running for the advisory council.

"I don't like this at all," he said. "I don't see any need for it."

Phillips agreed with Gamble in that the charter calls for the county commissioners to hold a regularly scheduled monthly meeting.

"You are talking about an advisory board. I think the commissioners agree with this monthly meeting. That's a little redundant, do we need both?" questioned Gamble.

"Maybe a monthly meeting

would help that," said Phillips.

Berg asked some of the present commissioners if they had travelled to surrounding communities within the county to keep in contact with their concerns.

Commissioner Vern Petersen said it had been tried and no one showed up.

"I think if people are satisfied, they aren't going to come," he said.

"That's what we discovered, people are very satisfied with the commissioner form of government," said Joy Wicks, study commission member.

"I think people are satisfied and if they are not, they can come into the commissioner's office," said Petersen.

It was brought up about the possibility of elected officials on all or some of the county boards, such as the fair and airport board.

Musick said he has gotten a lot of comment in favor of this, but those individuals haven't appeared

in person to express that sentiment.

Petersen said it would be difficult to find enough people interested in running for the positions. He said the commissioners find themselves having to appoint some positions that are elected for that very reason.

A general explanation of the study review group's efforts was given.

"What we have basically done is we've taken all the codes and laid it out in one document," said Butcher. "This is the proposal for the county to vote on."

"We are bringing self-government home rule back," said Musick.

The study commission received some praise from the small group.

"I have to commend you people," said Gamble. "You have done an excellent job here."

"I enjoy what you have done," said Phillips.

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Questions about government review?

We'll try to answer them

Lewistown and Fergus County voters will decide two important issues Tuesday, June 4.

They are the recommendations of the Fergus County and City of Lewistown government review commissions, which were authorized and elected by voters in 1994.

Voters will choose to accept the recommendations or reject them.

Over the next two months, the News-Argus will look at both recommendations, which would change the ways both city and county governments operate.

The News-Argus also will run a question-and-answer column.

If you have a question on either group's recommendations, please let us know. We'll find someone with the answer and report it.

"We know there are questions out there about the two reports," said News-Argus editor Dori Lynn Jacobs. "We want to help people find the answers."

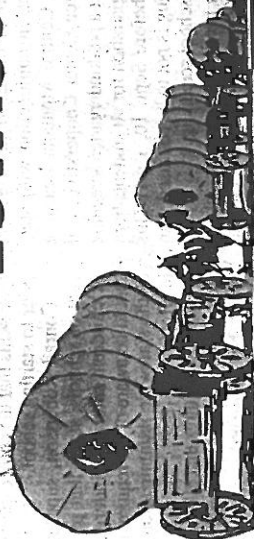
If you have a question about either recommendation, you can call the Info-Line at 538-4636, then punch the code for Question of the Week, which is 7161. Our voice mail system will let you record your question.

Or feel free to write to Government Review Question, C/O Lewistown News-Argus, POB 900, Lewistown MT 59457, or call Dave Byerly or Dori Lynn Jacobs at 538-3401 (toll free 1-800-879-5627).

Lewistown News-Argus

covering Central Montana like the stars

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SUNDAY, APRIL 21, 1996
LEWISTOWN, MONTANA 59457
FIFTY CENTS



SAMPLE

OFFICIAL PRIMARY ELECTION BALLOT
FERGUS COUNTY, MONTANA
TUESDAY, JUNE 4, 1996
SPECIAL ELECTION

11
All Pcts.

ALTERNATIVE FORM OF LOCAL GOVERNMENT - FERGUS CO.

INSTRUCTIONS TO VOTERS: PUNCH THE BOXES WHICH EXPRESS YOUR PREFERENCES.

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

VOTE FOR ONE

FOR adoption of the commission form of government with a self-government charter proposed for Fergus County proposed by the Fergus County Local Government Study Commission. **FOR**



FOR the existing commission form of government. **FOR**



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

VOTE FOR ONE

Community councils comprised of three members to advise commissioners:

MAY BE ELECTED



SHALL BE ELECTED



VOTE FOR ONE

Section 3.03. Terms of Appointed Boards. All county appointed board members shall serve not more than two terms consecutively.

FOR including Section 3.03 in Charter

FOR



AGAINST including Section 3.03 in Charter

AGAINST



Paid for by the Fergus County Review Commission

Voters to decide fate of recommendations

In June residents of Lewistown and Fergus County will decide what form of local governments they want.

Voters will decide whether or not to accept recommendations which two local, elected review commissions believe would improve local governments.

In today's Lewistown News-Argus are:

— A 24-page copy of the complete Lewistown Study Commission report (which is inserted in Lewistown editions of the Argus).

— A reproduction of how county study commission's recommendation will appear on the 4 ballot (on page 3).

— The first of what we hope will be many questions about the two recommendations (above). A question about either city or county recommendation invited to contact the News-Argus to have it answered.

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Getting The Right Answers . . .

City/County Government Study Review Questions

(Editor's note: The News-Argus will answer your questions on the recommendations of the city and county government study review commissions, which will be on the June 4 primary election ballot.

If you have a question, call us at 538-3401, 1-800-879-5627, or write to us at PO Box 900, Lewistown, MT 59457.)

The following questions were provided to the News-Argus by the Fergus County Government Study Review Commission as questions they are frequently asked.

QUESTION: If we vote for the proposed Fergus County self-governing charter will the county commissioners be given too much power?

ANSWER: County governments are created by state government under the Montana Constitution and county officials are restricted to only making decisions within the boundaries of the laws passed through the state legislature



and signed by the governor.

County officials have no independent law making power. "Self-governing powers" for county commissioners could take current administrative decisions away from non-elected state bureaucrats and allow decision making for the local county officials who generally have a better understanding of local needs, rather than the state bureaucrats.

QUESTION: What is the value of "self-governing powers" as being provided for in the proposed Fergus County charter.

ANSWER: It provides the opportunity for our elected county commissioners to individualize local government programs, required by state or federal law, to address needs which are specific to Fergus County, rather than have state agency bureaucrats force programs designed for Billings or Missoula on a small county like Fergus.

However, the commission emphasizes that self-governing powers can only be implemented if a specific law allows program development at the county level.

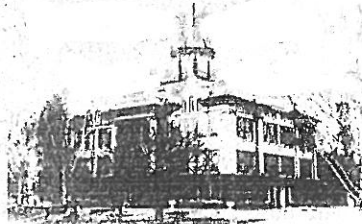
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Getting The Right Answers . . .

County Government Study Review Questions

(Editor's note: The News-Argus will answer your questions on the recommendations of the city and county government study review commissions, which will be on the June 4 primary election ballot.

If you have a question, call us at 538-3401, 1-800-879-5627, or write to us at PO Box 900, Lewistown, MT 59457.)



The following questions were provided to the News-Argus by the Fergus County Government Study Review Commission as questions the members are frequently asked.

QUESTION: If the Fergus County Government Study Review Commission proposal being voted on in the June 4 primary election is not going to change our current commission form of government, why do we need to vote for it?

ANSWER: The proposed Fergus County self-governing charter has compiled the various state laws pertaining to the operation of Fergus County government into a single charter document to provide the citizens of Fergus County with a clear outline of county government operation.

QUESTION: Why does the proposed Fergus County charter include non-partisan election of the candidates for the various county offices?

ANSWER: During the county review commission hearings with current county office holders (Democrat, Republican and Independent), there was unanimous support by those attending for non-partisan election to their respective offices because they did not believe that county business is conducted on a partisan basis and that they work on behalf of county residents whether they were Democrats or Republicans.

QUESTION: If we vote for the proposed Fergus County charter for the existing commission form of government, how will the "self-governing powers" benefit Fergus County residents?

ANSWER: This is a provision as allowed under the Montana Constitution to be enacted through a formal charter and will be needed if the current federal and state mandates are diminished and local governments are given more authority to structure programs to meet local needs.

QUESTION: Why is the provision for limiting terms of non-elected county boards being voted upon separately from the proposed charter in the June primary election?

ANSWER: The members of the Fergus County Review Commission felt there were some questions about limiting terms of county board members who are appointed by the county commissioners to approximately 11 boards (fair board, airport commission, fire district etc.).

However, a number of Fergus County voters indicated they believe that after two terms on a specific board there should be a one-term limit before that person would be eligible for re-appointment in order to allow new people with fresh ideas and energy to be appointed to boards.

Consequently, the county review members placed this issue as a separate sub-issue from the charter to be voted upon separately by Fergus County voters.

We want to emphasize this proposal does not affect any elected county officials - it only affects appointed boards!

QUESTION: If I vote "for" the county government charter, will it change?

ANSWER: 1) The county commissioners would be granted self-governing powers to bring policy making back to the local level government.

2) The county officials would be elected on a non-partisan basis.

3) County commissioners would be required to hold an official meeting with a published agenda once per month.

Nothing else has been changed from the current operation of government under terms of the proposed county charter.



ON THE ROAD – The Fergus County Government Review Commission is traveling to towns in the county to give out information regarding the proposal on the June 4 primary ballot. They were in Grass Range Monday and visited with 40 to 50 people. Commission member (left to right) LeRoy Musick talked with Bob Fleharty, Bill Degner and Bob French in Grass Range. The commission will be in Winifred at the cafe Friday, May 24, at the Denton Cafe Wednesday, May 29, and in Moore at the Women's Clubhouse Thursday, May 30. One or more of the commission members will be on hand beginning at 7 a.m. at each location. At noon, they will be on hand during the senior meals. Commission chairman Ed Butcher said the group will have a copy of the proposed charter and a comparison sheet to look at and will answer any questions and also have one-on-one discussions.

n News-Argus

covering Central Montana like the stars

Getting The Right Answers . . .

County Government Study Review Questions

SUNDAY, MAY 26, 1996

Second Section

(Editor's note: The News-Argus will answer your questions on the recommendations of the city and county government study review commissions, which will be on the June 4 primary election ballot.

If you have a question, call us at 538-3401, 1-800-879-5627, or write to us at PO Box 900, Lewistown, MT 59457. Questions must be submitted by noon on Friday, May 31.)



The following questions were provided to the News-Argus by the Fergus County Government Study Review Commission as questions the members are frequently asked.

QUESTION: What are the "sub-options" being voted upon in conjunction with the vote on the county charter?

ANSWER: There are two specific proposals which would be added to the proposed charter if they are passed by the voters. This only occurs if the charter itself is passed. The two sub-options which will appear on the ballot are:

- 1) Limiting terms of appointed county boards (not the elected county officials) to two terms in a row.
- 2) Non-paid elected advisors to the elected county commissioners.

QUESTION: Where did all the "stuff" in the charter come from? Did the review commission make it up?

ANSWER: All sections incorporated in the charter are required under various laws and the commission has combined the rules affecting the operation of county government into one single document which is the self-governing charter to be voted on in the June election.

QUESTION: How much will it cost county taxpayers if they vote for the "charter"?

ANSWER: There will be no additional expenses for the county residents if the charter is passed.

QUESTION: How would the election process work if the charter is passed with its "non-partisan" election of county officials?

ANSWER: All interested candidates would file for election in the June primary election and the two top vote getters would be voted upon in the November election. This is the same as currently occurs if several candidates file for judge's position.

QUESTION: Will any county employee or elected official lose their job if the proposed "county charter" is passed in the June election?

ANSWER: No one will lose their job or position if the charter is passed.

County review commission proposes regaining control

by JANE McFARLANE

The choice is up to the citizens of Fergus County.

Two years ago voters favored a review of the form of government in Fergus County.

Five study commission candidates were elected and have been hard at work for the past 1 1/2 years with monthly meetings and public hearings. Those people are Ed Butcher, Joy Wicks, Diane Pennell, Beth Bergum and LeRoy Musick.

These people were entrusted to thoroughly examine the form of government in Fergus County and formulate a decision and final recommendation. It is now up to the residents of the county, including those who reside within the city limits of Lewistown, to make a choice.

After much public input, the panel opted not to change the commissioner form of government

county offices. If someone has a question of county government, they can look at the charter."

Butcher said they want the voters to make an informed decision.

"People may think this is a big change in government, but it's not," he said.

The charter was written with much support from the Montana State University legal department, and Butcher said he feels confident everything is in good order.

The emphasis of the charter is to bring together all the existing laws concerning Fergus County into one concise document.

Within the charter is the requirement of a regular monthly public meeting of the county commissioners with a published agenda. All elected county officials would run on a nonpartisan basis.

Also on the ballot will be two suboptions, which will only go into effect if the charter is approved by the voters.

One option is to establish

(continued on page 3)

County . . .

County . . .

(continued from page 1)

community councils of which members would be elected from each commissioner district.

They would serve two-year terms and meet quarterly on a non-paid basis. This council would serve as an advisory board to the county commissioners.

The second option gives the voters a choice of setting term limits on county board members. If

passed, members of county boards could not serve more than two consecutive terms.

The study commission has been traveling to rural communities within the county in an effort to inform people on the charter and suboptions. According to Butcher, the group has received much support.

"We really haven't had any particular questions that stand out," he said. "People seem supportive of the idea of monthly meetings of the commissioners."

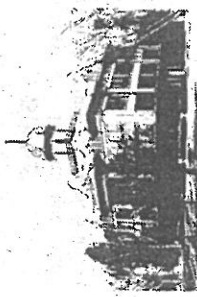
Butcher said that he felt the members of the board were a diverse group and came in with an open mind.

"None of the members came in with an agenda," said Butcher. "Nobody had any major opinion that they wanted a major change."

"Our main disappointment was we didn't have as many people attending as we would have liked."

The next opportunity for a government review is the year 2002. Butcher said that the group looked seriously at the next 10 years to be sure that they tried to address any needs in that time period.

"This is the only opportunity we have to do this for 10 years."



June 2, 1996

Getting The Right Answers . . .

County Government Study Review Questions

QUESTION: I think some aspects of the Fergus County government recommendations are great, especially the monthly business meeting, but I'm concerned that going to a charter-style government gives our commissioners too many powers. I'd like someone on the government review commission to speak to whether or not we should be concerned about that.

ANSWER: Fergus County review commissioner Diane Pennell said they have heard that question before.

The charter, if passed by the voters June 4, intends to bring government control back to the local level. But it certainly doesn't allow the county commissioners to go forth and have no guidelines.

"It doesn't give them any powers that they don't already have unless there is nothing prohibited by existing state and federal constitutions," said Pennell.

"What it does is gives the county commissioners discretion in resolving an issue which is not already spelled out by state or federal law."

Pennell said the local control idea came about by the concern of the large number of legislative laws passed in Helena that had to do with county affairs.

"The charter would eliminate a lot of that."

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Fergus County Study Commission Proposal to be voted on by Fergus County Voters, June 1996.

By Laws for Charter of Fergus County, Montana

Both City & County Voters Vote on this Proposal

This charter does not change the commissioner form of government

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENT
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission.	CHARTER-COMMISSION Charter is a local constitution and describes a commission form of government.	No change in form of government. Basic change is that county gains self government powers.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances	SELF-GOVERNMENT POWERS County government shall exercise any power which the state does not deny. Gains more ordinance making authority	Self-government powers bring to the county the power to act in its own best interest, an flexibility in shaping government structure.
Governing Body Size	3 commissioners nominated by district, elected at-large.	Same.	No change.
Election	Partisan 6 year overlapping terms.	Non-partisan	Local government issues are usually nonpartisan. Commission can concentrate on efficient delivery of services.
Term	Chairman-Elected from own members.	Same	
Presiding Officer		Same	

Duties	Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials	Same	No changes.
Other Elected Officials	8 elected officials: Clerk & Recorder County Attorney Sheriff. Treasurer Clerk of Court Public Administrator Coroner Superintendent of Schools	Same.	No change.
Chief Administrative Officer	None. Administrative responsibility shared by commissioners, elected officials, and various boards.	Same.	No change.
Appointment Powers	Commission appoints department heads not elected, members of boards, commissions, special districts.	Same.	No change.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission.	Same.	No change.
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	Same.	No change.

To be voted on separately from the Charter -- However, if these two suboptions are approved by the voters, they will not be implemented without charter approval. The charter may be approved without then

Citizen Participation		Community councils to be decided by the voters.	If chosen by the voters community councils will be elected from each commissioner district to advise the commission.
Community Councils	None.		
Term Limits on Boards	No term limits except those specified in statute.	No more than two (2) terms consecutively	Allows rotation of board members who may serve again following a term break

Our Opinion

Those government review ballot issues . . .

On Tuesday's ballot, voters will address two important issues.

For two years, two different citizen groups have studied how to better operate city and county governments. They were authorized and then elected by voters two years ago.

Both have spent countless hours on their task. They have been dedicated to coming up with a system they feel would best serve the people who elected them.

Their recommendations are on Tuesday's ballot. County and city voters will choose whether to approve the recommendations or retain our current forms of government.

There has been little formal opposition to either recommendation. But to be approved, both will have to overcome people's natural resistance to change.

We have watched this process with great interest. In how many nations can citizens choose, in the voting booth, to review their local form of government and then, also in the privacy of the voting booth, choose to change it?

Not many.

It has been interesting and healthy to watch the pros and cons of our current forms of government and possible alternatives be discussed. We encourage you to study the recommendations and the current forms of government, then vote.

Here is how we feel on these two issues:

Fergus County alternative -

A yes, a no and a no

The county government review commission looked to fine tune rather than change our commission form of government.

We believe county residents would be best served by a yes vote on the main issue - to adopt a commission form of government with a self-government charter.

A yes vote does two important things:

- 1) By adopting a self-governing charter form of government, it gives local county government more options and flexibility.

- 2) It requires monthly, public commission meetings, with an agenda.

Right now, county commissioners function largely in private. You don't know when they discuss, decide and vote on important issues. You would have to station yourself in the commissioners' office all day every day to know what they do.

The monthly public meeting is a healthy step in the right direction, toward open, pub-

lic government similar to a school board or city council.

On the other hand, we suggest a no on the two "sub-options," which we feel would needlessly hamper effective government.

City alternative - a strong yes

The city government review commission has really done its homework.

Its recommendation is a winner for the people of Lewistown.

Whether it can overcome some inaccurate rumors and the vigorous lobbying of a few city employees - who rightly perceive that they'll need to clean up their act if it passes - will be seen Tuesday.

Moving to the city manager/council form of government will be a major step forward in the professional, effective and efficient operation of our city.

Virtually every aspect of city government, from the performance of its employees and administration to the quality of the council people attracted to run for office, could benefit if the recommendation passes.

The city is a big business. We all have a key stake in it. If we don't develop some strong, structured administration and vision, we will continue to burn out good council people and discourage good city employees. We will continue to have turf fights and little empires.

If we are to effectively address the challenges of the future and anticipate rather than react to our problems, we need a strong, trained, qualified manager and a system of government which frees up our city employees to do their jobs and frees up city council people to set policy instead of having to micro-manage the city's problem areas.

If you owned a multimillion dollar business, you wouldn't run it with semi-independent department heads and part-time, qualifications-not-required bosses.

Well, if you live in the city limits, you are part-owner of a multimillion dollar business. It is time to start managing our city like the large and growing organization it is.

The city review commission's recommended alternative is a positive step toward doing just that.

This may well be the most important vote residents of the city of Lewistown cast this primary or this year.

We strongly recommend a yes vote for the self-governing charter with a manager plan of government proposed by the commission.

Voters pick government change

Lubinus, Smith, Grinde win Republican races in county

The City of Lewistown and Fergus County governments will make some changes in the future.

That was the decision of voters in the county in the primary Tuesday. With a turnout of 52 percent, residents are seeking changes.

"It just hit at the right time. The people are ready for change," Brad Parrish, chairman of the city government review commission, told the News-Argus Wednesday morning.

With 1,020 votes for and 615 against, the city will change to a city manager/city commission form of government in 1998.

"In the last two to three days there was a lot of real positive comments around the community about the proposed charter."

Parrish said the difference was the amount of time the study commission spent in educating the public.

"While the commission worked real hard on reviewing the present government and once we published our report, we concentrated all of our effort into getting the word out to the public," he said.

"We had been told by the last review commission that they hadn't spent enough time educating the public.

"All of the commission members were happy with the result and we feel the people were looking to the future by choosing this form of government."

As far as the city government, the next step will be a primary for the election of a new city commission, which will be held in September of 1997. The commissioners will then be elected in November and take office in January of 1998. Once in office, the commission will begin the process of selecting a city manager.

"There is a transition time. The council has to pass a resolution that the next election will be for the new city commissioners," said Parrish.

As for the city government review commission, Parrish said it will continue in a consulting capacity.

pendent candidates Joe Spika and Rod Berg

Lubinus collected 1,091 votes to outdistance Jim Gamble (749) and Don McNees (716). She could

not be reached for comment.

Phyllis Smith edged Kathleen

(continued on page 8)

Election . . .

Voters also gave the thumbs up to a county charter with a vote of 1,880 for and 1,220 against. The county government review commission had not opted to change the commissioner form of government.

"Early on we determined that people were satisfied with the form of government. We didn't feel we had to come up with a new form of government," said Ed Butcher, chairman of the county study commission.

The voters also approved the two sub-options under that charter to have elected community councils in a 1,590 to 1,110 vote, and to set term limits of appointed county board members in a 2,311 to 561 vote.

Butcher told the News-Argus Wednesday morning that he was very pleased with the voter turnout. He said he felt the voters made a real effort to become informed of the issues.

"When you work on something that makes a difference, you hope people feel they need to be involved with government," he said.

Butcher said he was glad the commission was able to get the charter and options in the June primary ballot because he feels the voters are more informed and make less impulsive decisions instead of reacting to the presidential race.

Butcher said educating the public was the key and noted the news media had made a concerted effort to get the information out. He said the commission members had handed out 2,000 copies of the charter in the last month.

"On behalf of the board, we appreciate the confidence the people of Fergus County entrusted to us," he said.

Lavina Lubinus will represent the Republican party in the county commissioner race on the November ballot. Lubinus will face Inde-

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Election . . .

(continued from page 1)

Otto by only 31 votes to earn the Republican bid for clerk of the court. Cindie Fitch totaled 474 votes.

Smith said she was very pleased with the outcome of the race.

"It was a good race," she said. "It was fun and exciting. I knew it was going to be a tough race."

Smith said she would take a day or two off before hitting the campaign trail again as she prepares to face her Democratic opponent in November.

Smith will face Democrat Micki Redfield in November. She said she plans to work hard to prepare for the election.

"Thank you to all the Central Montana voters," she said. "I appreciate your support. I am looking forward to meeting all of the voters this fall when I'm out treading the streets."

Larry Grinde defeated Alfred "Bud" Miller for the Republican spot in House District 94, which includes precincts 2, 6-13, and 17. Voters in other precincts voted for Dick Knox, who ran unopposed in House District 93.

Grinde, who is seeking a final term, totaled 1,060 votes (58 percent) to Miller's 762 (42 percent).

Fergus County voters followed the rest of the state in the Montana and national races, selecting Bob Dole as the top Republican choice to run for president with 1,692 votes.

Although unopposed, President Bill Clinton received 777 votes.

Voters also followed the state trend in the U.S. Senator Republican race, choosing Dennis Rehberg, and also U.S. Representative candidate Rick Hill.

Marc Racicot was the overwhelming choice for governor with 1,956 votes to 774 for Rob Natelson.

"The secretary of state predicted a 55 percent turnout, so we knew we could expect a good one," said Kathy Fleharty, Fergus County clerk and recorder.

"We only had three precincts with a turnout of less than 50 percent."

Fleharty said the ballot-counting process was completed by 11 p.m. Tuesday.

"We had people that were good, knowledgeable helpers and their expertise helped."

Fleharty said the majority of those waiting for the returns at the courthouse were interested in the county races and the government review issues.

All of the election results are considered unofficial. The votes will be canvassed Thursday morning.

All of the official results will be printed by precinct in the Sunday, June 9 edition of the News-Argus.

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County review group to meet with commissioners

ne The Fergus County Government Review Commission is not quite done with its job.

In the primary election held June 4, voters in Fergus County approved a charter similar to a "mini-constitution" for the government of the county, according to review

commission chair Ed Butcher.

The study review members will meet with the Fergus County Commissioners to discuss guidelines for operation of the new charter on Monday, July 8 at the courthouse at 3 p.m. at the county commissioners' office in the courthouse.

July 10, 1996

County review commission, commissioners discuss changes

by JANE McFARLANE

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It was a learning experience Monday.

The Fergus County commissioners learned something about the changes in store for them with the voters' approval in June by a 953-797 margin of the new county charter.

Several issues were discussed at a meeting Monday.

These included which commissioner candidates really will go on to face each other in the general election in November and when and how the commissioners must begin public meetings.

These issues were discussed Monday by the Fergus County Government Review Study Commission, the three Fergus County commissioners and clerk and recorder Kathy Fleharty.

Ken Weaver, director of the local government center at Montana State University (MSU) of Bozeman, and associate director Judy Mathre were on hand to answer questions.

The MSU department had been hired by the study review commission to provide input as consultants to the drafting of the charter.

Weaver explained the study review group and its duties would officially end 90 days from the June 4 election.

Chairman Ed Butcher said the group, however, plans to continue in an "ex officio-type" capacity as an advisory panel to the county commissioners until the transition of the charter is complete.

The group will prepare an advisory plan to help implement the charter, said Weaver.

"There will be a memorandum of intent," he said. "People will have what the intention was of this commission."

He also said the review commission should meet with all the county offices and their department heads to help make the change go smoothly.

Powers and duties

Weaver discussed article three of the charter, which deals with the executive branch of the county government and the commissioners' powers and duties.

"First and most important, you have law-making ability," he told the three commissioners. "You didn't used to have law-making authority."

Weaver said that unless something is prohibited by state or federal constitution or statutes, the county commissioners can make laws on the local level.

"You've got to leave this meeting understanding this," he said. "It is my belief this next decade will be a time of change."

Weaver also advised the commissioners to use their county attorney as he is their legal officer.

"You have to be consistent with state law," he said. "You can raise the standards, but not lower them."

Weaver said Fergus County commissioners are now "free and clear of the compensation of the state standards" as of Jan. 1, 1997.

He strongly suggested the commissioners write job descriptions on all county staff.

Community councils

As a sub-option to the charter on the ballot, voters could choose if advisory councils to the commissioners called "community councils" could be an option or would be required.

The voters of Fergus County chose to require the community councils 1,590 to 1,110 against. The members of this council will serve as non-paid, elected advisors to the county commissioners.

Weaver said Fergus County is breaking new ground with this measure.

"There is no county in Montana that has mandated community councils," he said.

Weaver explained the formation of the commissioner districts will

be a problem for the election administrator, who is Fleharty.

He said the natural assumption would be to form the commissioner districts out of the voter precincts already in existence. He explained, though, that the standard for districts is population and not simply grouping precincts.

"It's an administrative and budget problem," he told Fleharty.

"Because county commissioners are elected by districts, those community councils have to be reapportioned conventionally. That reapportioning can wait until the 2000 census."

The group discussed having the whole area mapped out with a data file by population on computer. Weaver said MSU-Bozeman can provide that service for \$1,500.

"She (Fleharty) needs to pull back from this meeting and determine whether or not she can get the districts mapped," said Weaver.

Butcher said the study review group has money left in its budget because the group opted not to take money for mileage and expenses for themselves. He suggested that they use part of that money to pay for the mapping.

"Out of \$10,000 budgeted, we have only spent \$3,000 to \$4,000," he said.

The other members of the review commission agreed and voted unanimously in favor of that expenditure.

Meeting of record

Weaver explained his concern regarding the procedure requirement of a minimum of one public meeting of record each month.

"Quite frankly, you can't wait a month," he said.

While the intent of the review

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group was to set a minimum, Weaver said due to the daily work of the commissioners, he felt they would need to meet more often than that.

He cautioned the Fergus County commissioners they should be practicing this regardless of the charter requirement.

"The public has the right to participate in any key issue and any significant decision and it is entirely appropriate," he told the commissioners.

"You need a policy on the conduct of decision-making meetings."

Weaver cited Montana Code Annotated; showing the commissioners that those requirements and rights of the public have always been in effect.

Butcher explained that one key issue (lack of meeting of public record meetings) was by far the largest comment of concern the review group heard from the citizens of Fergus County.

Weaver said Fergus County is not the only county government not practicing open public meetings, but it can be a problem if it continues.

"County commissioners are in violation of the open meetings law," he said. "You must not make a decision of any matter of public interest without receiving public input."

Weaver went on to stress the open meetings law applies to the community council meetings as well as the county commissioners' meetings.

Terms for appointed boards
In an overwhelming vote of

(continued on page 3)

Changes . . .

Changes . . .

2,311 in favor with 561 against, voters in Fergus County favored term limits for appointed county board members.

County commissioner Kathy Bailey questioned if that applied to boards in which the commissioners themselves are appointed. She expressed concerns of the Fergus County Council on Aging board, which is a one-year term and meets only bi-annually.

She asked if it could be changed or longer terms could be made.

"I think you would be wise not to open that can of worms," said Weaver.

Weaver said the wording is quite clear in that it states "all county-appointed board members."

There was some discussion of when those terms limits would begin because there are already board members who have served much longer than the term limit.

"The most conservative interpretation is two more terms from the Sept. 1 effective date," said Weaver.

The commissioners agreed to get a list of all the boards and the length of terms for each as a starting point.

Nonpartisan election

Who's up?

Weaver brought up one final concern regarding the election of county commissioners.

Weaver questioned the legal wording of the charter to change to nonpartisan elections and when that would become effective.

"That's a very important question that needs some 'lawyering,'" he said. "The question is do they apply before Jan. 1?"

Weaver said the charter has officially been adopted, so does that

mean the outcome of the June primary election changes?

The charter calls for nonpartisan commissioner elections with the top two primary vote-getters proceeding on to the general election.

If the charter goes into effect immediately, the outcome of the primary election would be somewhat different with the top two vote-getters proceeding to the election in November rather than a candidate from each party.

"It needs to be dealt with rather quickly," cautioned Weaver.

He explained the election administrator makes the first judgment, however, she may ask for a legal determination by the county attorney.

The New-Argus spoke with Fleharty Tuesday and she had already obtained an opinion from Fergus County Attorney Tom Meissner.

Meissner's opinion stated, "It is my understanding that the Charter itself calls for an effective date of 1-1-97. In this case, I would believe that language in subsection (1) of the same statute would apply."

Meissner said in his opinion the language makes the charter effective Jan. 1.

His opinion also stated the voters cast their ballots in the primary election in contested races (clerk of the court and county commissioner) with the understanding the winner in each political party would proceed to the general election.

"To dictate another result would in effect be contrary to the intentions of the electors," said Meissner.

The study review commission made tentative plans to reconvene for further discussion July 29.

(continued from page 1)

APPENDIX IV

Model Purpose and Procedures for

Community Councils

CONDUCT OF COMMUNITY COUNCIL MEETINGS

The purpose of a community council meeting is to accomplish the council's work lawfully, in full view of the public and with reasonable opportunity for public participation.

Whether the community council's work is carried out efficiently and in an orderly and harmonious manner depends entirely upon each member's determination to do so. A smooth council meeting that engenders and sustains public confidence, especially when the stakes are high and the public is hostile, does not require that community council members agree with or even like one another. It does require civility and well-practiced meeting procedures.

Civility merely requires individual self-discipline. Procedures, on the other hand, require collective self discipline. As one sage put it, "Let us agree to disagree with respect." That is the purpose of all legislative procedures. To that end, most deliberative bodies in the United States have incorporated some form of "Robert's Rules of Order" (or "Masons Manual of Legislative Procedure") as a guide to their own rules of procedure. So it is with most Montana local governing bodies.

Rules of Order: Unfortunately, "Robert's Rules of Order" is as easy to read and understand as the instructions to re-program your home VCR. By the same token, it seems that every commission member has their own view on the subject. Therefore, it makes some sense to extract from "Robert's" the essential and most commonly used "Rules" and to incorporate them into your own agreed upon and formally adopted council procedures. Included below for your review is a simple chart of the most commonly used "Rules of Order."

It makes even more sense to practice these basic rules of decision-making procedure scrupulously at every meeting and on every community council action. By doing so even on the routine issues the procedures will be well practiced and second nature to the council when you are face to face with a hot issue and a hot public.

With community council rules of procedure in place and in practice, the work set forth on the council's agenda should proceed smoothly, at least most of the time. But the agenda is itself an important procedural matter.

Agenda: The community council's agenda is a legal document that provides notice to your public that you are going to conduct the public's business at a certain time and at a certain place. Obviously, if the agenda is to perform this legally required function it must be posted in a timely fashion and in a public location, such as the courthouse lobby. Equally obvious is the fact that if an item is not on the agenda the public cannot know in advance that you are going to deal with it. Thus, you should, as a general rule, avoid conducting substantive business at your community council meeting that has not been included on that meeting's agenda. It will assure an even handed approach to community problem solving and it will help keep egg off your face, no small accomplishment in most Montana

communities.

The agenda is the council's work schedule for a particular meeting. Therefore, it makes some sense that the council should know well in advance what work they are expected to perform at any particular meeting. Putting the agenda together, publishing and distributing it along with the supporting documents in a timely fashion is a very important function of the chairperson.

Typically, the chairperson assembles the work items on the agenda from four sources of input: (1) his or her own knowledge of district and county issues; (2) items brought to the community council chair by council members; (3) items or reports suggested by the county commissioner; and (4) items or issues raised by citizens residing within the community council's district. While there are no procedural rules establishing item priorities to be scheduled on the agenda, a smart chair person will go to considerable lengths to assure that all participants in the process feel confident that their particular items of concern will be scheduled in a timely fashion. By the same token, it makes little sense, except perhaps to deliberately embarrass your own community council or county government, for a council member to force an item on to the agenda prematurely, especially an item that requires considerable time to investigate. In short, building the community council's agenda requires cooperation and trust. Absent this crucial element, the work of the community council will be frustrating, fractious and long.

One final point on the council's agenda may be worth emphasizing. If you are not willing or able to do your agenda homework before the meeting, your colleagues will appreciate your silence. Remember that each member who did take time away from family or work to prepare for the meeting will not long suffer a colleague who wastes the council's time on matters that should have been cleared up with county officers before the meeting. In short, do your homework before, not during the meeting. Nor does insufficient preparation relieve you of the obligation to vote on every matter before the council.

Finally, let's look briefly at the community council meeting from the point of view of the folks on the other side of the bench.

Citizen Participation: well-established procedures and an agenda without surprises will produce a smooth meeting if and only if your public believes that you are being open and fair with them. Let us agree that you are not going to satisfy or placate every rascal who has a bone to pick with the county. However, it is also important to remember that most of the people who attend a community council meeting are there because they are concerned and often angry about the issue that you are dealing with. Thus, if before proceeding, the chairperson will take the time to explain your procedures for audience participation and whether or not the community council is going to make a decision at this meeting, the audience will know what to expect and are more likely to wait patiently for their turn to participate in the process.

All presentations or comments from the audience should be directed solely to the chair person

which will have the effect of depersonalizing and lowering the boiling point of the public discussion. The chairperson should make this clear at the outset and the community council members should reinforce it by refraining from direct engagement with the audience either verbally or by mannerism, facial expression or gesture.

Curiously, this seemingly formalized and unnatural style will materially improve the quality of public input, especially on the most contentious issues. If things still get out of hand, the presiding officer should never be reluctant to call a brief recess to permit a cooling off period for the audience or, in extreme cases, to adjourn the meeting in the interest of public safety. In a public meeting, the person with the gavel must always be conscious that a large number of angry or frustrated people in a confined space is an inherently volatile and potentially even dangerous situation.

A word about closing a public meeting to the public is an appropriate way to end this laundry list of dos and don'ts. In this case, the word is *don't*, at least until the presiding officer has discussed the idea with the county attorney. As a general rule in Montana, the presiding officer may close a public meeting only when the right of privacy of an individual clearly exceeds the right of the public to know and to participate in the public's business. The meaning of this general rule and the few exceptions to it require interpretation by competent legal counsel. Improperly closing a community council meeting may and probably will result in costly litigation.

Teamwork: Serving on your county's community council can and should be an enriching experience that you can look back on with a special satisfaction and pride that few of your fellow citizens will ever know. You have the opportunity to help make your county and community a better place to live and work and rear your family. But you cannot accomplish these noble ends by yourself. No matter how well conceived, your good ideas may be, they will require the understanding, support and, ultimately, the votes of a majority of your colleagues on the community council if they are to become a reality. Hence, the first rule of governing in a democracy is to count. The magic number of affirmative votes is more often produced by civil cooperation among a majority of community council members than by the superior knowledge of any one of them.

Dr. Kenneth L. Weaver, Director
Local Government Center, Montana State University

NOTICE: This model rules of procedure is intended as a guide for the development of Community Council Purpose and Rules of Procedure. It should NOT be adopted prior to review by competent legal counsel.

**Purpose and Rules of Procedure
of the
Fergus County Community Council (District ___)**

PART I. Purpose.

Section 1

The sole purpose of the Fergus County Community Council serving in each commissioner district is to provide advisory information to the Fergus County Commission concerning the public health, safety and well-being of the residents of the district served by the Community Council.

Section 2

To accomplish its purpose each Community Council shall convene periodic and lawfully noticed public meetings at a time and place reasonably convenient and accessible for the Fergus County residents of the commissioner district represented by the Community Council.

PART II. General Provisions

Section 1

To assure effective participation by all members of a Fergus County Community Council and to protect the right of participation by all individuals appearing before the Council, all Council meetings and hearings shall be conducted in general conformance with "Roberts Rules of Order Revised".

Section 2

Any member of the Community Council who has an interest in a matter before the Community Council, as defined by the Montanan Code of Ethics (2-2-101, MCA et seq), shall not vote thereon nor seek to influence the vote of other council members.

PART III. Officers and Duties

Section 1

The officers of the Community Council shall consist of the Chairman who shall be the presiding officer and a Vice Chairman who shall preside in the absence of the Chairman. The Chairman shall coordinate the affairs of the Community Council and preside at all meetings of the Council.

Section 2

The Vice Chairman, in the absence or disability of the presiding officer, shall perform all duties and exercise all powers of the Chairman.

Section 3

The Community Council shall choose a Recorder and such other officers as are necessary. The Recorder shall keep all records as detailed below and perform such other duties as may be required by the Community Council.

Section 4

The Recorder shall record and maintain permanent minutes of the Community Council's proceedings, showing the vote of each member upon every question, or if failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize briefly and accurately the substance of all matters proposed, discussed or decided; shall record the names and addresses of all persons appearing before the Council; shall, subject to the discretion of the Council and presiding officer, conduct the correspondence of the Council; shall file said minutes and records in the office of the Council, which minutes and records shall be a public record; and shall be the custodian of the files and records of the Council.

PART IV. Meetings

Section 1

Regular meetings of the Community Council shall be held on _____ of the _____ week of each month at 7 o'clock p.m. in Room ____ of the _____ County Courthouse, or at such other time and place as may, with lawful notice, be designated by the Council.

Should the regular meeting day be a recognized holiday the Council shall, with lawful

notice, set an alternate day for the meeting.

Section 2

To ensure public participation all meetings of the Council shall be noticed as required by 7-1-2121, MCA and shall be open to the public except as provided in 2-3-203, MCA. No meeting of the Community Council shall be closed to the public prior to consultation of the Chairman of the Community Council with the County Attorney.

Section 3

A quorum shall consist of two (2) Community Council Members and the affirmative vote of two (2) Community Council members shall be required to adopt any measure.

PART V. Agenda

Section 1

All reports, communications, or other agenda matters to be submitted for consideration by the Community Council, shall be submitted to the Chairman by 12 o'clock noon on the Wednesday immediately preceding the next regularly scheduled Community Council meeting with the exception that the Chairman may approve late submittals deemed to be in the Council's best interest.

The Chairman shall arrange an agenda of such matters according to the order of business specified herein, and provide each member of the Community Council with a copy of the same not later than one working day immediately preceding the Community Council meeting.

Section 2.

Copies of the agenda shall be made available to the County Commission at least one working day prior to the meeting of the Community Council and one copy shall be posted at the designated posting board in the county courthouse for public viewing.

PART VI. Order of Business

Section 1

The Chairman shall prepare the Community Council agenda in substantially the following form:

1. Roll Call of the Community Council.
2. Pledge of Allegiance.
3. Approval of Minutes of the Previous Meeting.
4. Scheduled Matters.
5. Unscheduled Matters

An item that is NOT listed on the agenda for the current meeting may be discussed during the session at the discretion of the Community Council. However, the purpose of such discussion should be to decide whether or not to schedule the item for discussion and vote on a subsequent agenda. As a general rule no substantive matter should be decided upon without prior notice to the public as a scheduled agenda item.

6. Adjournment

Section 2

The order of business may be adjusted by consent of the Council.

PART VII. Rules of Community Council Debate

Section 1

Community Council debate shall proceed in accordance with the following rules:

1. Every member desiring to speak shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.
2. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking is called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion to reconsider any action or recommendation taken by the Council, may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion shall be made by a member of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

5. Any member of the Council who has an interest as defined by the Code of Ethics established by the laws of the State of Montana or as advised by the County Attorney shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Council.

6. If the presiding officer of the Council has an interest as defined by the Code of Ethics established by the laws of the State of Montana or as advised by the County Attorney, he shall additionally yield the chair to a member of the Council during the course of debate and decision concerning the issue in which he has an interest.

7. After a motion, duly made and seconded, by the Council, no person shall address the Council without first securing the permission of the presiding officer.

PART VIII. Presentation to the Council

Section 1

The general manner in which items are handled by the Council shall be as follows:

1. The presiding officer presents the item to the Community Council along with a brief summary of the matter for discussion, with or without his or her recommendation.
2. For reason of clarification Council members, after recognition by the presiding officer, may direct questions to the presiding officer.
3. Comments from the citizen raising the issue will then be heard by the Council.
4. After recognition from the presiding officer the Council may direct questions to the citizen.
5. Other members of the audience will be invited to comment beginning with those in favor of the proposal, as appropriate.
6. All audience comments shall be directed to the presiding officer.
7. The Council may, upon a proper motion and second, vote on the matter or table the matter until a date certain.

PART IX. Addressing the Council

Section 1

The public is invited to speak on any item under discussion by the Community Council after recognition by the presiding officer.

The speaker should step to the front of the room, and for the record, give his/her name and address and, if applicable, the person, firm, or organization represented.

Prepared statements are welcomed and should be given to the Recorder. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.

Section 2

While the Community Council is in session, the presiding officer must preserve order and decorum. Neither a member of the Community Council nor of the audience shall delay or interrupt the proceedings or the peace of the Council nor disturb any member of the Council while speaking or refuse to obey the orders of the Council or its presiding officer.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Council meeting shall be forthwith barred from further presentation to the Council by the presiding officer, unless permission to continue be granted by a majority vote of the Council.

APPENDIX V

**Background Article
on the**

Helena Community Councils

HELENA CITIZENS COUNCIL
by Catherine Haines

The purpose and composition of the Helena Citizens Council are described in Article IV of the city charter. The Helena Charter requires the city commission to create, by ordinance, seven Neighborhood Councils collectively comprising the HCC. The districts must be created based on equal population because members of the city commission are elected at large. Each Neighborhood District shall have a council composed of four members elected to two year terms. Nominees must be residents of the designated Neighborhood Council District and must file a nominating petition with the signatures of at least twenty five qualified electors of that district at least thirty days before the general election. HCC candidates may also be selected through a majority write in vote which does not require the nomination by twenty-five residents.

Each Neighborhood Council will organize with a chairperson, secretary, and an official delegate to attend city commission meetings. Within sixty days after election, the mayor shall convene the individual Neighborhood councils for a meeting of the Helena Citizens Council. At this meeting, the HCC will elect a chairman, vice-chairman, treasurer, and secretary who will then proceed with business. The Treasurer is also the Chair of the Budget Committee which advises the city commission on budget issues.

Under charter provisions, the HCC operates independently from the city commission. The HCC is required to review and recommend actions relating to the annual budget. It is responsible for advising the commission on matters relating to the annual budget and to make recommendations relating to future development of the city.

Rather than appointing an official delegate from each neighborhood council to attend city commission meetings as the charter indicates, members volunteer to attend weekly meetings. The HCC as a whole meets once a month rather than meeting separately in their respective neighborhoods. HCC members are unpaid public officials and do not have the time to organize regular neighborhood district meetings. City staff members regularly attend HCC monthly meetings to provide staff support.

Prior to the formation of the HCC, Helena had a Citizen's Advisory Council that participated in Urban Renewal. The HCC was intended to be a continuation of the CAC which was heavily active during the Model Cities program in the late 1960's. CAC was a federally mandated citizen action group, under which Helena was divided into three neighborhoods with seven members each and seven appointed city-wide by the Commission.

During Helena's first local government review process in 1974, the Study Commission recommended the formation of seven Neighborhood Districts with four members elected in each district as a Neighborhood Council. Meeting together they would form the Helena Citizens Council for the city. They thought that the smaller districts would insure a better knowledge of neighborhood problems. From previous experience they also maintained that citizen participation

had proven to be a valuable asset to the city. The Helena Study Commission made clear that the role of the HCC would be purely advisory.

The election on the Study Commission's recommendations including the formation of community councils as a separate question was on June 1, 1976. The vote was 3,495 for the commission's findings and 2,964 against.

The city was spending the last of the money from the Model Cities program when community councils were approved and elected. The HCC itself was active in the process until the money from Urban Renewal phased out. Unable to define its role in municipal government, the HCC slipped into a period of inactivity. People were not interested in running for the HCC and many were appointed to the office. The lack of public involvement hurt the HCC's credibility as a representative body. Within the last eight years, however, it has made a comeback. Many citizens are currently interested and dedicated to their service on the HCC.

In the process of defining their role, HCC members decided that the administration of neighborhood surveys could help them advise the commission. The organization of the Survey Committee was a major turning point concerning the power and influence of the HCC. Members wanting to use the HCC as an alternative vehicle for public input into municipal government wanted to get into the neighborhoods and saw the surveys as the best way to do it. There was a conflict with the commission over the legality of HCC surveys but after seeking legal advice, they began sending them out in monthly water bills. There have also been debates over who controls the issues confronted and content of the surveys.

The Survey Committee currently gathers information for the city by distributing surveys two to three times per year. The commission and the city staff along with other organizations go to the HCC to do surveys on issues they want raised. HCC members form the questions and submit them to the commission for approval. They generally defer to the HCC unless a question is misinformed or obviously biased. If this occurs, the commission usually recommends a question be changed rather than mandating its removal.

Helena's daily newspaper, *The Independent Record*, often informs the community in advance on the content of the surveys so they can make informed responses. HCC members then gather the information from their respective neighborhoods, interpret the responses and report the results to the commission, city staff, local newspaper, and television station. The commission and the city staff take the survey results into account when making decisions about related issues. The most recent survey, conducted in April of 1994, asked citizens about community decay problems to advise the commission on an ordinance for Helena.

Another way of providing advice is through HCC participation in the annual budget review process. Under the city charter, the city manager is responsible for preparing and presenting the preliminary budget to the commission. The commission then holds budget work sessions for review. Members of HCC's Budget Committee attend the work sessions and are

allowed and encouraged to express their views. They prepare a list of items they want implemented or changed to the city staff who respond to their concerns. The city commission ultimately has control over the adoption of the annual budget.

The city commission and the city manager do listen and respond to the HCC, but some think that the process should be modified. The city staff would like the Budget Committee to prepare their list of items they want before the preliminary budget is submitted. This request has produced little results. Another problem during the budget process is that often much of the budget is fixed. There is little room for new projects. As a result, the HCC often lobbies for programs the city can not afford.

Despite these problems, the HCC does provide an alternative source of information to supplement that from the city staff. This is important because commission members generally work full-time outside of public office and do not always have the time to become experts on every issue. The diverse composition of the HCC has provided innovative solutions to city problems and has alerted the commission to some they may not have been aware of otherwise.

In addition to advising the commission on the annual budget, the HCC is obligated to advise on the future development of the city. They usually do not get involved in individual development projects except when development threatens the environment or the community. They are generally positive about low income housing. The HCC has organized neighborhood meetings on development projects and is encouraged by city planning officials to attend their meetings to inform them on the issues.

Recently, a sixty-two unit subdivision called Reeders Village was proposed to occupy the base of Mount Helena. Many citizens enjoy walking in the area and see it as an important part of the community. A group of citizens called Mt. Helena Matters organized to oppose the development. The HCC lobbied in June of 1994 to oppose Reeders Village. The development is still under negotiation.

The HCC has also become increasingly involved in Helena's Comprehensive Plan. The Comprehensive Plan is the long term overriding plan that encompasses how the community wants to develop. It is composed of objectives, goals, and strategies to achieve them. Helena's comprehensive plan includes sections on land use, infrastructure, visual appearance, downtown, and public safety. Any changes regarding these issues must be in compliance with the Comprehensive Plan. In May of 1994, the HCC unanimously recommended that each city department beginning with its FY 1995 budget show how it addresses the Comprehensive Plan. This recommendation was approved by the commission.

Other recent accomplishments include helping establish the first Water Quality Protection District in Montana and advocating the hiring of a full time Transportation demand Management person. HCC successfully lobbied for a grants writer position in city government, against a \$20,000 study for a water slide, for full funding of the 9-1-1 dispatch center and for additional

police and fire personnel. The HCC can get involved in a variety of issues because almost everything the city commission does relates to the budget.

An unintended result of the evolution of the HCC is that it has become a recruiting channel for some members into other governmental positions. The HCC has given its members knowledge of how their government functions and experience in reaching consensus. Two current members of the city commission are former HCC members. Others have become involved in various non-profit organizations.

The Helena Citizens Council fulfills its obligations specified in the Helena Charter. It advises the commission on matters relating to the budget and the future development of the city. The HCC also reviews and recommends actions relating to the annual budget. HCC members are respected by the community, city commission, and the city staff. Both the city commission and the city staff take them seriously. Their input is encouraged and appreciated by public officials and is considered in decision making.

In theory, the influence of local special interests through the community councils could obstruct legislative process. Despite this threat, there is no evidence of this in Helena's experience. The diverse makeup of the HCC combined with short terms and regular turnover seems to prevent entrenched political influence of any single group. Special interests attempt to influence the city commission independent of the HCC.

Besides its advisory role, the HCC informs public officials of public opinion and the community about the workings of their government. The HCC serves as a conduit between the public and the commission through its surveys. They inform the public through neighborhood meetings that encourage citizen involvement in the decisions affecting their lives. More citizens participate meaningfully in the process and feel the city governs legitimately.

Because many citizens of Helena work for the state, it is a government oriented community and may be unrepresentative of Montana communities. Despite its unique situation, community councils could benefit other Montana cities and towns. At best, they could increase citizen interest and participation and make city government more responsive. At worst, at least a few more citizens, members of community councils, would come to understand how their government works.

Some see community councils as necessary to legitimate local governments coping with an increasingly cynical electorate. It makes sense that citizens should have a meaningful impact on the decisions affecting their lives. Many see community councils as the means to achieve this ideal.

ADDENDUM

The following changes were made to the Helena Charter as a result of an amendment proposed by the Helena Study Commission and approved by the voters at the June 4, 1996 special election. The following information was taken from the Study Commission's Final Report.

In order to make the Helena Citizens' Council more effective, the study commission is recommending minor changes in the electoral process and the organization of the neighborhood councils. First, the commission is proposing to remove the requirement for candidates to file nominating petitions with 25 signatures. Currently, the requirement is not being utilized by many candidates and creates problems for election officials. Also, no other candidate for any other city office is required to file such a petition.

Second, the commission is recommending that responsibilities currently focused at the level of neighborhood councils be shifted to the citizens' council level, to facilitate more participation. These changes would bring the Charter into line with current practice.

Also, the commission is recommending a clarification in the residency requirements for neighborhood council members, which would require them to be residents of their neighborhood council district during their term of service.

Bob Schleicher
1823 Broadway
Helena, MT 59601

September 23, 1994

Dear Cathy,

Thanks for the copy of your well written report on the HCC. It captures the essence of the HCC which is citizen participation in local government at its best!

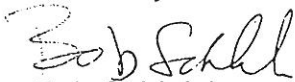
If I were to make one criticism of the report, it would be your statement on the top of page 7: "As a result the HCC often lobbies for programs the city cannot afford." I disagree. In the four plus years that I've been affiliated with the Helena Citizens' Council, I can't remember any instances where the HCC lobbied for a program the city could not afford. I would characterize the councils that I've served on as very frugal groups. Our Budget Committee as well as the whole HCC keeps a close eye on the level of city spending. When the HCC sees a need for increased spending, such as nine additional fire fighters (which we can afford through a fire service district), we speak up. Conversely, when we see a program or study, such as the waterslide study, that we think does not merit city funding, we also make our voices heard. We are a city watch dog group and take that role very, very seriously.

I hope that other cities can join Helena in forming a citizens council. I see HCC as a very positive experience in local government. It allows citizens to participate in local government and it also helps the Helena City Commission keep an ear to the ground.

If I can be of further help to you or to any communities that would like to establish a citizens council, please let me know.

Thanks again for the great report!

Sincerely,



Bob Schleicher
Chair, Helena Citizens' Council

cc. HCC
Helena City Commission
Dr. Ken Weaver, MSU Local Government Center

APPENDIX VI

**Membership Roster
of**

Existing County Boards

FERGUS COUNTY ADVISORY BOARDS

<u>Member</u>	<u>Term Begins</u>	<u>Term Ends</u>
Airport Board (2 year terms)		
Paul Linehan	July 1, 1996	June 30, 1998
Fair Board (2 year terms)		
Larry Rice	Jan. 1, 1995	Aug. 31, 1996
Lavina Lubinus	Jan. 1, 1995	Aug. 31, 1996
Janice Bradley	Sept. 1, 1995	Aug. 31, 1997
Wayne Pallet	Sept. 1, 1995	Aug. 31, 1997
Paul Gies	Sept. 1, 1995	Aug. 31, 1997
City-County Planning Board (2 year terms)		
Sie Schindler	Jan. 1, 1995	Dec. 31, 1996
Jim McDonald	Jan. 1, 1995	Dec. 31, 1996
Patrick Leary	Sept. 13, 1994	Dec. 31, 1996
Fergus County Planning Board (2 year terms)		
Earl Bricker	July 1, 1994	Dec. 31, 1996
Don Jenni	July 1, 1994	Dec. 31, 1996
Bill Snapp, Jr.	Jan. 1, 1996	Dec. 31, 1997
Terry Ernst	Jan. 1, 1995	Dec. 31, 1997
Tax Appeals Board (3 year terms)		
Rita Oaas	Jan. 20, 1993	Dec. 31, 1996
John Lubinus	Jan. 1, 1995	Dec. 31, 1997
Charles Lelek	Jan. 1, 1996	Dec. 31, 1998

Weed Board
(3 year terms)

Dale Godfrey	Jan. 1, 1995	Dec. 31, 1996
Stacy Vestal	Jan. 1, 1995	Dec. 31, 1996
Leonard Grove	Jan. 1, 1995	Dec. 31, 1997
Daryl Ayers	Jan. 1, 1996	Dec. 31, 1998
Wayne Eickhoff	Jan. 1, 1996	Dec. 31, 1998

Foundation Board
(5 year terms)

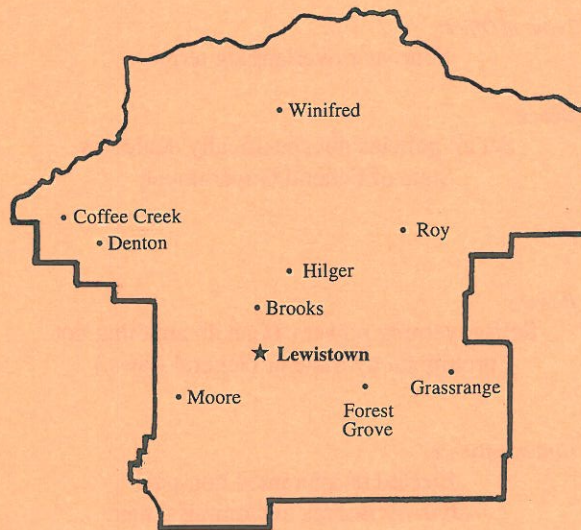
Paul Linehan	Jan. 1, 1994	Dec. 31, 1998
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Study Commission CANNOT

👉 Make recommendations about:

- Consolidating city and county government.
- Courts
- Schools
- Planning and zoning regulations.
- The conduct of elections.
- Hunting and fishing regulations
- Sales and income taxes
- The right to keep and bear arms.
- Debt limitations on general obligation bonds

Is There A Better Way for Fergus County's Government to Operate?



Public Hearing For Your Input
August 29, 1995

Contact Elected Commission Members:

- | | |
|------------------|----------------|
| 1. Ed Butcher | (406) 538-5627 |
| 2. Joy Wicks | (406) 538-5566 |
| 3. Diane Pennell | (406) 538-5548 |
| 4. Beth Bergum | (406) 462-5490 |
| 5. LeRoy Musick | (406) 538-7202 |
| 6. Bud Miller | (406) 538-5119 |

Study Commission CAN

👉 Study & compare these forms of Government:

- Commission (Present form)
- Commission Executive
(Similar to Mayor)
- Commission Chairman
(Elected from & by Commission.)
- Commission Manager
(Hired by Commission.)
- Town Meeting
- Charter (Write a County Constitution.)
- Self Government Power

Other Options to Consider:

- 👉 Partisan or Non-Partisan Election of all County officials.
- 👉 Combine Offices
- 👉 Concurrent or Overlapping Terms
- 👉 Elect District Advisory Council
- 👉 Consolidate City & County
Law Enforcement
- 👉 Consolidate County & City Attorney

Compare Three Options

Commission

(Present form of Government)

Policy Making:

Majority vote of 3 Commissioners.
No regularly scheduled meetings for public input and participation.

Terms of Office:

Six year overlapping terms.

Duties:

Set policies as approved by State Government and carry out State and Federal Mandates.

Powers:

"General Government" Commission must get approval of Montana State Government.

Citizen Influence:

Appointed Boards by Commissioners.

Executive Administrator:

Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation:

Commissioner has complete power of formulation and approval of annual budgets with input from other elected county officials.

Operation of Other Elected County Officials:

Independently administer their own offices.

Commission Manager

(Manager hired by commission.)

Policy Making:

Majority vote of elected Commissioners (3-5) at regularly scheduled monthly meeting.

Terms of Office:

Four year overlapping terms.

Duties:

Set all policies not specifically denied by State of Federal Government.

Powers:

Self-governing powers. (Can do anything not prohibited by State or General Laws.)

Citizen Influence:

Elected or appointed non-paid Advisory Boards to Commissioner.

Executive Administrator:

Commission hires full-time Manager to administer business of County. Serves at pleasure of the Commission.

Budget Preparation:

Manager in charge of formulation and preparation of budget with Commission approving submitted budget. Other elected county officials would provide input in budget preparation.

Operation of Other Elected County Officials:

Independently administer their own offices.

Commission/Chairman

(Full-time Chairman elected by Commission from their own membership of not less than five members.)

Policy Making:

Majority of elected Commissioners with Chairman breaking a tie vote at regularly scheduled monthly meetings.

Terms of Office:

Four year overlapping terms.

Duties:

Set all policies not specifically denied by State or Federal Government. Elected Chairman will be full-time administrator. Other members of Commission may either be part-time or full-time policy makers.

Powers:

Self-governing powers. (Can do anything not specifically prohibited by State or Federal Government.)

Citizen Influence:

Elected or appointed non-paid Advisory Board to Commission. Community councils - non-paid - elected by districts to advise Commission.

Executive Administrator:

Commission elects one of their members to serve as full-time Chairman to administer business of County. Other members serve either on part-time or full-time basis. (Option of voters.)

Budget Preparation:

Chairman prepares budget to be approved by members of Commission. Other elected county officials and district Advisory Boards provide input in budget preparation.

Operation of Other Elected County Officials:

Independently administer their own offices.

What Do You Think?

Proposed by Study Commission

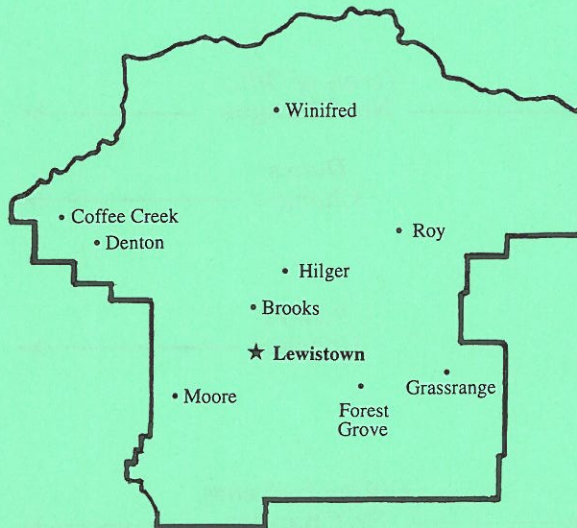
1. Codify the existing laws concerning operation of Fergus County into one document. (County Constitution.)
2. Require a minimum of one meeting of the County Commissioners per month to be regularly scheduled with a published agenda.
3. All elected officials shall run on a nonpartisan basis.
4. Under Charter, County Government will continue to operate as is, with no changes in personnel, duties, or responsibilities.
5. Take administrative decision making out of the hands of state bureaucrats, when permissible, and give it to local elected officials.

Study Commission CANNOT

☞ Make recommendations about:

- Consolidating city and county government.
- Courts
- Schools
- Planning and zoning regulations
- The conduct of elections.
- Hunting and fishing regulations.
- Sales and income taxes.
- The right to keep and bear arms.
- Debt limitations on general obligation bonds.

Citizen Control Into the Twenty-First Century...



Is There A Better Way for Fergus County's Government to Operate?

Study Commission Proposal for the June 1996 Primary Election

Contact Elected Commission Members:

1. Ed Butcher (406) 462-5627
2. Joy Wicks (406) 538-5566
3. Diane Pennell (406) 538-5548
4. Beth Bergum (406) 462-5490
5. LeRoy Musick (406) 538-7202
6. Bud Miller (406) 538-5119

Option #1: If voters vote for acceptance of this option, it will only become effective provided the proposed Charter based Commission Form of Government is voted on to replace the current non-Chartered Commission Form of Government.

Passage of this option would require mandatory establishment of advisory councils to commissioners - defeat would leave the establishment of councils to the commissioners' discretion.

Section 2.16

Community councils comprised of three members to advise commissioners **shall be** elected on a nonpartisan basis for a two-year term from each commissioner district. Said council shall meet on a quarterly basis with no compensation.

Compare Current and Proposed Structure of Government

Commission (Present Form)

Election of Officials

All county officials elected on partisan or independent designation.

Policy Making

Majority vote of three Commissioners. **No regularly scheduled meetings** with published agendas for public input and participation.

Terms of Office

Six year overlapping terms.

Duties

Set policies only as approved by State Government and carry out State and Federal Mandates.

Powers

“General Government” Commission must get approval of Montana State Government before implementing programs or policies

Citizen Influence

Appointed Boards by Commissioners.

Executive Administrator

Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation

Commissioner has complete responsibility of formulation and approval of annual budgets with input from other elected county officials and appointed boards.

Operation of Other Elected County Officials

Independently administer their own offices.

Commission Under Charter (Areas of Difference)

Election of Officials

Changes →

Policy Making

Changes →

Terms of Office

← No Changes →

Duties

Changes →

Powers

Changes →

Citizen Influence

← No Changes →

Executive Administrator

← No Changes →

Budget Preparation

← No Changes →

Operation of Other Elected County Officials

← No Changes →

Commission Under Charter (Proposed Form)

Election of Officials

All county officials elected on **non-partisan basis.**

Policy Making

Majority vote of three Commissioners. **Scheduled monthly meetings with published agenda allowing public input.**

Terms of Office

Six year overlapping terms.

Duties

Set all policies not specifically denied by State or Federal Government under **self-governing powers.**

Powers

“Self-governing powers.” (Can do anything not specifically prohibited by State or Federal Government.)

Citizen Influence

Appointed Boards by Commissioners.

Executive Administrator

Revolving Chairman re-elected by fellow Commissioners.

Budget Preparation

Commissioner has complete responsibility of formulation and approval of annual budgets with input from other elected county officials and appointed boards.

Operation of Other Elected County Officials

Independently administer their own offices.

Section 6.05 Recall

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

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government

shall be as prescribed by law. The Fergus County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provision, shall not be published as part of the Charter after _____.

Section 7.02 Continuation in Office

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

Section 7.03 Review of Existing Ordinances

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

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

In testimony whereof, we set our hands.

Done at Lewistown, this _____ day of _____, 1996.

Edward B. Butcher, Chairman

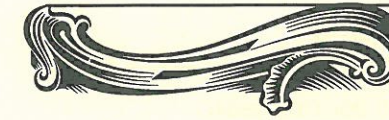
Beth Bergum

LeRoy Musick

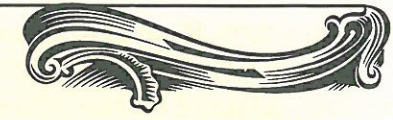
Diana M. Pennell

Joy Reeder Wicks

ATTEST: _____
Kathy Fleharty, County Clerk & Recorder



**Fergus County Study
Commission Proposal to be
voted on by Fergus County
Voters, June 1996.**



**By Laws for Charter of Fergus County, Montana
Preamble**

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

**ARTICLE I
POWERS OF THE COUNTY**

Section 1.01 Powers of Fergus County

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

Section 1.02 Interpretation of Powers

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

Section 1.03 Restriction on Powers

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

Section 1.04 Charter Supremacy

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

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 Legislative Body

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

Section 2.02 Governing Body

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

Section 2.03 Composition

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

Section 2.04 Qualifications for Office

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

Section 2.05 Term of Office

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

Section 2.06 Election

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

**Section 2.07 Division of the County into
Commissioner Districts**

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

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

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

Section 2.10 Filling Vacancy on Commission

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

Section 2.11 Chairman of the Commission

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

Section 2.12 Powers and Duties

All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

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

Section 2.14 Legislative Action

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

Section 2.15 Compensation

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

Section 2.16 Community Councils

Community councils comprised of three members to advise commissioners **may be** elected on a nonpartisan basis for a two year term from each commissioner district. Said council shall meet on a quarterly basis with no compensation.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Functions

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

Section 3.02 Powers and Duties

The board of county commissioners shall:

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

ARTICLE IV JUDICIARY BRANCH

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Elected Department Heads - County Officers

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

1. County Attorney
2. Sheriff
3. Clerk and Recorder
4. Clerk of District Court
5. Treasurer
6. Superintendent of schools
7. Coroner
8. Public Administrator

Section 5.02 Qualifications for Office

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

Section 5.03 Terms of Office

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

Section 5.04 Election

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

Section 5.05 Vacancy in Office

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

Section 5.06 Removal from Office

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

Section 5.07 Filling Vacancy of Elected Department Head

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

Section 5.08 Consolidation of Offices

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

Section 5.09 Organization of Other Departments

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

Section 5.10 Compensation

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

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

The Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on _____.

Section 6.03 Oath of Office

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

Section 6.04 Right of Initiative

The citizens of Fergus County retain the Right of Initiative as provided by law and the Montana State Constitution.