

FINAL REPORT

APRIL, 1986

PREPARED BY

GALLATIN COUNTY GOVERNMENT STUDY COMMISSION

VERNON L. WESTLAKE

BARBARA A. PAUGH

JAMES STOREY

ELSIE A. TOWNSEND

MIKE WARD

MARIAN HOLLENBACK-

EX-OFFICIO MEMBER

GALLATIN COUNTY GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of Gallatin County:

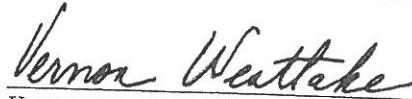
The majority of the Gallatin County Study Commission elected by the voters on November 6, 1984, present this final report to the citizens of this county.

The purpose of the study commission, as defined in state law, is to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana. If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with the people and groups mentioned the Gallatin County Study Commission has concluded that there is general consensus that the existing county commission form of government has served this county well since its organization in 1865, and will continue to do so in the future. We therefore recommend no change in this form of government.

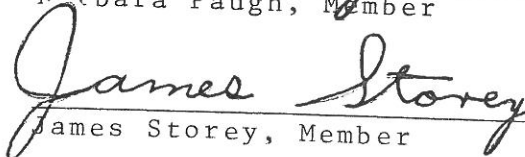
Respectfully submitted,



Vernon Westlake, Chairman



Barbara Paugh, Member



James Storey, Member

MAJORITY REPORT

Barbara Paugh, James Storey and Vernon L. Westlake, members of the Gallatin County Government Study Commission, elected by the voters on November 4, 1984, present this report to you, the citizens of Gallatin County.

We recommend the existing Commission Form of Local Government be retained in Gallatin County. As a result of the study, we have found that the Commission Form is basically sound. It has been capable of delivering services and performing statutory functions effectively in the past and can continue to do so in the future.

We base our recommendation from the following list of facts which the study revealed:

1. Eleven (11) of fourteen (14) County officials support the Commission Form of County Government.
2. Six (6) of ten (10) appointed County officials support the Commission Form of County Government.
3. Three (3) of five (5) former County Commissioners support the Commission Form of County Government.
4. In the results of the telephone survey, three (3) of four (4) people called are satisfied with the Commission Form of County Government.
5. The majority of the people called in the survey favor a full-time three-person Commission, elected on a partisan basis, as now exists.

6. Two (2) of three (3) people called in the survey favored County officials to be elected and not appointed.

7. The telephone survey random sample compared favorably with the 1980 census distribution.

8. Thirteen (13) of fourteen (14) people at the public meeting in Manhattan responding, support the Commission Form of County Government.

9. At the public meeting in Bozeman, thirteen (13) people testified in support of the Commission Form of County Government, eleven (11) people testified in support of Commission-Manager Form of County Government, and three (3) did not take a position.

10. At the public meeting in Bozeman, there were 135 people in attendance. Sixty-five (65) people presented testimony, either orally or with written comments, which was only one-half of the total in attendance. Therefore, we know the position of only half of the people in attendance.

11. We find that within the Commission Form of County Government, there are adequate means to correct problems or to satisfy needs:

The Commission Form of County Government can, by the authority of MCA 7-4-2301, consolidate any two (2), or more, elected offices named in MCA 7-4-2203 and combine the powers and duties of the consolidated offices, with the exception of the Justice of the Peace; Justice of the Peace can be consolidated only with another Justice of the Peace.

The public can petition the Commission as provided MCA 7-4-2302, for a consolidation of county offices if the petition is signed by fifteen (15) percent, or more, of the qualified electors and the petition is filed seven (7) months or more, before a general election.

12. A comparison of the cost to operate the Commission-Manager Form in Bozeman, and the Commission Form in Gallatin County was prepared. For the year of 1985, the cost to a city taxpayer was \$111.36 for each \$1,000 taxable valuation for the operation of city government. The same year the cost to the county taxpayer was \$74.04 for each \$1,000 taxable valuation for county government operation.

13. The Commission Form of County Government sets the salaries of all the elected officials as provided in the statutes. Whereas, salaries of appointed officials are not controlled by statute.

14. The public has greater accessibility to elected officials in the Commission Form of County Government. Elected officials cannot isolate themselves from the public and still be re-elected.

We were elected by voters who understood that we supported the existing Commission Form of County Government which retains the electoral process and the right to choose, which is the very basis of the democratic society.

We believe that we have made a sincere effort to accomplish the task as required, and find no real evidence or sufficient reason to recommend a change in the form of government for Gallatin County.

We therefore recommend no change.

Respectfully submitted,

Vernon L. Westlake

Vernon L. Westlake, Chairman

James Storey

James Storey, Member

Barbara A. Paugh

Barbara Paugh, Vice Chairman

Elsie Townsend

MINORITY REPORT

by

MIKE WARD

Member, Gallatin County Local Government Study Commission
1985-86

This minority statement, with Appendices, is addressed primarily to future local government study commissioners-- if any-- and to all students of local government in Montana and elsewhere. It is my hope that this report will be useful to those who wish to know how the "voter review" process worked for us, and how it might be improved.

The Montana Constitution empowers the people with the right to decide for themselves what kind of government they want. This is unambiguously set forth in Article II, Sections I and II, Declaration of Rights, and is woven from beginning to end into the basic document of our state. I believe, however, that the implementing statutes as they bear on local government are flawed.

Those statutes enable the voters to establish Study Commissions to review their form of government, compare it with others, and only if affirmatively recommended by a majority of Commissioners, to put the question of any change to a vote of resident electors. As constructed, however, the process permits the election of Study Commissioners who are committed in advance to either preservation of the status quo or to change. These elected Study Commissioners

are thus able to determine the outcome of the "Study process" before any study has taken place, or before voters have had any meaningful opportunity to become acquainted with the issues or implications of proposed changes.

This is what happened in the present case, and I am persuaded that the intent of the Constitution was thereby subverted. It is impossible to assure in advance that persons elected to office will enter into their office with open minds, but I think it may be possible to provide that the study and education process is not foreclosed, and that where there is sufficient evidence of a significant division of public opinion, the electorate may be given the right to express itself after the study is completed. I believe that the statutes can be changed to correct this deficiency, and I am prepared to assist in the development of the appropriate statutory amendments for consideration by the Legislature.

The majority of our Study Commission has set forth the reasons for its decision to recommend "no change" to the residents of Gallatin County. From the perspective of providing the best possible government for the least expenditure of tax dollars, I find their reasoning unconvincing. Indeed, I find it incomprehensible that they could conclude that no change whatsoever in our present Commission form of government is needed. Yet, they have deliberately and consciously reached that conclusion-- presumably on the grounds that any changes needed in the present structure

and procedures will come about in good time, and be effected by those in office, who have even less incentive now than before the Study Commission was elected. Let's hear it for Santa Claus and the Tooth Fairy!

I will let the majority view speak for itself. Resistance to change and fear of the unknown are common to all of us, and in appropriate circumstances, are basic survival mechanisms. I will not argue that keeping our present form of Commission government for the indefinite future will bring about the decline and fall of Gallatin County. It will, in my view, mean that Gallatin County residents are likely to pay more for the government they get, will get less than fair value for the tax dollars they pay, and will continue to find that accountability is elusive, representation is skewed, and responsiveness is minimal for the majority of residents.

It is my belief that the Commission-Manager form of government in Gallatin County would provide significant advantages, including these:

1. Accountability, responsiveness and effectiveness would be improved by focusing clear and undivided responsibility on an elected, part-time, five member Commission which would appoint a professional county manager to carry out policies. All of the other advantages would flow from this central feature.

2. Part-time Commissioners who are responsible only for setting policy would be more likely to act in the

interests of all residents of the county, not certain narrow interests (primarily agricultural/rural) as tends to be the case under the Commission form.

3. A professional manager, answerable only to the Commission, would be likely to provide greater effectiveness and generate greater efficiencies in carrying out explicit Commission policies.

4. Five Commissioners -- three elected from Districts in which they reside, and two elected at-large -- would give county residents better and more balanced representation than the present system of three Commissioners affords.

5. Shorter terms for Commissioners (four years rather than the present six years) would tend to make Commissioners more responsive to the electorate.

6. Of critical importance, the combination of shorter terms and part-time service of Commissioners would attract better candidates for the positions. At present, being a County Commissioner is tantamount to selecting a career, and the full-time, salaried nature of the job for six years has proved to be instrumental in putting mediocrities in the position.

7. Appointment, rather than election, of "row officers" would tend to assure better performance by persons in these administrative and some skill positions. With selection by the county manager based on qualifications, rather than the ability to harvest votes every four years, and the knowledge that these persons could be promoted, demoted,

or dismissed depending on their performance, would tend strongly to improve productivity and minimize costs.

8. "Row officers, " because they are now elected, are effectively unsupervised by anyone. Supervision by a professionally qualified manager would enable maximum exploitation of their abilities, a more efficient expenditure of funds, and minimize the present tendency to "divvy up" the budget among departments along traditional lines.

9. And, not least, Commissioners meeting publicly at specified intervals, with an agenda published in advance, would assure greater public involvement and openness in government -- which is not the case under the traditional Commission form, and by its nature cannot be.

APPENDIX

One of the major frustrations for our Study Commission-- from beginning to end -- was the difficulty, and ultimately the impossibility, of finding out how our predecessors in 1975-76 had done their job.

The available records -- and they were few -- were scattered and incomplete. There was no documentation of proceedings, no record of public hearings, and no newspaper accounts or other sources to go to. What we were able to recover were essentially no more than summaries, conclusions and recommendations, with only the sketchiest rationales. We sought the assistance of the known individuals involved,

but to very little useful effect. One of the former commissioners had died, and the memories of the other two were necessarily dimmed by the passage of ten years since they had completed their work.

Further, legislation in the intervening years had changed some of the rules under which the 1976 Commission had operated. During our work it was found that some of this legislation -- intended to clarify the process -- had left several critical areas less than clear. Thus, it was necessary for our Commission to request, first, a County Attorney's opinion on one question, and second, an Attorney General's opinion on a decisive question. Other Study Commissions across the state also encountered ambiguities which required Attorney General opinions. And, in March 1986, during a special session of the Legislature (called for several larger reasons) a bill was passed to straighten out yet another cloudy area.

All of these facets of our work are at least summarily recorded in the record of our proceedings for the review of future students of local government in general, and of Gallatin County government in particular.

The "verbatim" transcripts which form the great bulk of our official proceedings will be of value mainly to the truly dedicated inquirer--some future "local government junkie" (a slang expression which in 1986 meant "addict.") This person, or persons, should be advised that the transcripts are an imperfect record, but nevertheless are vastly better than anything we had to refer to.

While our secretary (and ex-officio member) was dedicated, dogged and commendably competent, the record of the tapes she transcribed is flawed by understandable inability to sort out the exact words and voices when three or four of us were speaking simultaneously, as was all too often the case. Emphasis, nuance and even "body language" were necessarily omitted in the transcription process. On the whole, however, the record is a remarkably good one.

These transcriptions are, nevertheless, so bulky and often rambling and repetitious, that they seem unlikely to be read and digested in their entirety by more than a few, and even then, questions would remain.

In this Study Commissioner's view, the materials contained in the Appendix to this Minority Report may prove to be the most important of all the materials preserved. The newspaper accounts, editorials, guest columns and letters to the editor are not 100% complete, since no conscious effort was made to assemble them from the beginning of our work. But at a minimum, they are an invaluable record of our progress, of the working out of the "voter review" process, and even of some of the emotion generated during the exercise -- especially the last six months or so of the Study Commission's existence.

In the opinion of this Commissioner, the newspaper accounts are the best reflection of the 15 months effort we went through. They are without question virtually the only mirror of the process available to the public at the time. I emphasize that none of this kind of background

material was available to the members of our Study Commission. For this and other reasons, I feel that they are an invaluable resource for any future Study Commission or other serious students of local government.

I would enter this caution, however, in fairness to the other members of our Study Commission. Some of our Study Commissioners certainly believe that the newspaper accounts and editorials were biased, incomplete, inaccurate or all of the above. I will not dispute any such contention, but will leave it to other members of our Commission to speak to this point for themselves if they wish.

MISCELLANEOUS NOTES

Our Study Commission was elected by the precarious margin of only 13 votes out of 5,369 cast (2691 FOR, 2678 AGAINST). There were seventeen candidates for election to the Study Commission's five positions. Four of those elected were rural residents who had lived in the county for many years. The fifth member -- the writer of this minority report -- had lived in Gallatin County for only four years and was a resident of Bozeman.

All four of the rural members were outspoken from the beginning that they opposed any change in the form of county government, although they said they were willing to look at modifications to the Commission form. In the end, they did not look favorably on the slightest change.

As a minority member from the start, I was aware that the odds were heavily against persuading the others

to recommend a change in form. I decided early on that my only chance to put a choice to the voters was to generate interest in an apathetic public -- controversy, if necessary -- to get a ballot issue approved.

After more than four years of weekly observation of Gallatin County government and comparing it with Bozeman's Commission-Manager form, plus extensive reading on local government, I came to the tentative conclusion that the Commission-Manager form made more sense for Gallatin County. This judgment solidified as the months of interviews, discussions and continued study progressed. It remains my preferred alternative.

I decided to test my conviction in a number of ways:

a. I attended many Study Commission meetings in Bozeman and Belgrade, and discussed various issues with other Study Commissioners from Great Falls, Whitehall, Conrad and Glendive.

b. I wrote two lengthy "guest editorials" for the Bozeman Daily Chronicle to elicit reader response. (These are included in the Appendix.) The writing of these pieces forced me to think through policy implications of the views I was advocating, anticipate objections and test my own views against them, and weigh the merits of ideas I had not myself thought of. These were intensely difficult columns to write, but more than anything else I did, they helped to refine my thinking and impelled me to do even deeper research.

c. My major effort was a mailing of some 250 letters to a random selection of county residents to urge their attendance at a Public Hearing in Bozeman in January 1986. The turnout -- not entirely of my doing -- exceeded everyone's expectations; nearly 150 persons attended, many spoke and even more turned in written comments. While the sentiments voiced were mixed, it was clear to me that there was a major division of views in the county which could be resolved only by an election. In addition to the many hours of work this entailed, it cost me about \$125 out of my pocket.

In the end, all of this came close to nothing. I have certainly learned a lot, my fellow Commissioners undoubtedly learned much as well, and an unknown but not negligible number of county residents now know more about their government than they did before. The hard truth is, of course, that most voters weren't paying the slightest attention and could care less.

I will end this poorly organized and poorly expressed paper with words from a paper by James Lopaoh, Professor of Government, University of Montana, "Overview of Forms of Government and Structural options":

Good government requires good people; and as Lt. Governor Turman pointed out, good officials can make bad government work. If this were all there were to it, we could forget about studying government forms and focus instead on recruitment of high quality personnel and officers. But forms have a direct bearing on the quality of people in government; the form influences recruitment. A well designed government is more likely to attract good people than a ramshackle one.



Mike Ward, Member

MAJORITY REPORT

APPENDIX

1. SURVEY AND RESULTS
2. PUBLIC HEARINGS

Manhattan--December 5, 1985

Bozeman--January 9, 1986

SUBMITTED BY:

VERNON L. WESTLAKE

BARBARA A. PAUGH

JAMES STOREY

ELSIE TOWNSEND

CITIZEN SURVEY

*Survey results
November 1985*

GALLATIN COUNTY LOCAL GOVERNMENT REVIEW COMMISSION

1985

OPINION QUESTIONS

1. In general, are you satisfied or dissatisfied with the present form of government in Gallatin County?

1. Satisfied	253	74.9 %
2. Dissatisfied	48	14.2
3. Don't know or no opinion	37	10.9
4. Declined to answer	0	0.0
	<hr/> 338	<hr/> 100.0 %

2. Currently Gallatin County has three elected commissioners who work full time. Would you prefer five county commissioners rather than three?

1. Prefer five	117	34.6 %
2. Prefer three	178	52.7
3. Other	7	2.1
4. Don't know, no opinion	35	10.4
5. Declined to answer	1	0.3
	<hr/> 338	<hr/> 100.0 %

3. Would you prefer commissioners who work full time, or part time?

1. Prefer full time	235	69.5 %
2. Prefer part time	67	19.8
3. Don't know, no opinion	35	10.4
4. Declined to answer	1	0.3
	<hr/> 338	<hr/> 100.0 %

4. Would you favor or oppose a form of county government in which part time elected commissioners would hire a professional manager as a full time administrator for County government?

1. Favor	136	40.2 %
2. Oppose	167	49.4
3. Don't know, no opinion	35	10.4
4. Declined to answer	0	0.0
	<hr/> 338	<hr/> 100.0 %

5. Currently, County Commissioners serve for a six year term. How long do you think their term in office should be?

1. 6 years	101	29.9 %
2. 4 years	206	60.9
3. 2 years	25	7.4
4. Don't know, no opinion	6	1.8
5. Declined to answer	0	0.0
	<u>338</u>	<u>100.0 %</u>

6. County commissioners are now elected countywide by all voters. Another way would be to elect them from separate districts with equal population. Which would you prefer?

1. Favor election countywide	169	50.0 %
2. Favor election by district	148	43.8
3. Don't know, no opinion	21	6.2
4. Declined to answer	0	0.0
	<u>338</u>	<u>100.0 %</u>

7. Thirteen Gallatin County officials are listed on the ballot with their party affiliation (Republican, Democrat, etc.). Some other county governments do not have the party affiliation printed on the ballot. Which would you prefer?

1. List party affiliation	166	49.1 %
2. Don't list party affiliation	128	37.9
3. Don't know, no opinion	43	12.7
4. Declined to answer	1	0.3
	<u>338</u>	<u>100.0 %</u>

8. Do you believe that Gallatin County government would be more effective if some of the currently elected county officials were appointed instead?

1. Yes	68	20.1 %
2. No	228	67.5
3. Don't know, no opinion	41	12.1
4. Declined to answer	1	0.3
	<u>338</u>	<u>100.0 %</u>

9. Do you believe that before County officials are appointed or elected they should be qualified through training or experience for the work they will be doing in office?

1. Yes	264	78.1 %
2. No	64	18.9
3. Don't know, no opinion	9	2.7
4. Declined to answer	1	0.3
	<u>338</u>	<u>100.0</u>

10. Would you favor a countywide law enforcement dispatch system for citizens requesting police or sheriff service in towns and rural areas?

1. Favor	279	82.5 %
2. Oppose	31	9.2
3. Don't know, no opinion	26	7.7
4. Declined to answer	2	0.6
	<u>338</u>	<u>100.0 %</u>

11. Are you in favor of combining the duties of some County officials?

1. Favor	220	65.1 %
2. Oppose	62	18.3
3. Don't know, no opinion	56	16.6
4. Declined to answer	0	0.0
	<u>338</u>	<u>100.0</u>

17. Would you say that our conversation in this interview made you want to learn more about your county government?

1. Yes	246	72.8 %
2. No	88	26.0
3. Don't know, no opinion	4	1.2
4. Declined to answer	0	0.0
	<u>338</u>	<u>100.0 %</u>

BACKGROUND QUESTIONS

THESE ITEMS GIVE US A WAY OF COMPARING THE SAMPLE OF PEOPLE WE INTERVIEWED WITH FIRM 1980 CENSUS DATA. IN THIS WAY WE CAN ESTIMATE HOW REPRESENTATIVE OUR SAMPLE WAS.

MATCHING THE SAMPLE'S THE SEX DISTRIBUTION WITH THE 1980 CENSUS

		THE SAMPLE		1980 CENSUS
SEX:	1. Male	160	47.5 %	51.4 %
	2. Female	177	52.5	48.6
		337	100.0 %	100.0 %

14. Would you mind telling me your age?

1. Under 20	9	2.7 %
2. 20-39	183	54.1
3. 40-59	98	29.0
4. 60 or older	46	13.6
5. Declined to answer	2	0.6
	338	100.0 %

MATCHING THE SAMPLE'S AGE DISTRIBUTION TO 1980 CENSUS (Eliminate "Under 20" and "Declined.")

	THE SAMPLE		1980 CENSUS
20-39	183	56.0 %	62.2 %
40-59	98	30.0	22.1
60 or older	46	14.1	15.7
	327	100.1 %	100.0 %

12. How long have you lived in Gallatin County?

1. Less than five years	85	25.1 %
2. Five to twenty years	159	47.0
3. More than twenty years	94	27.8
4. Declined to answer	0	0.0
	<u>338</u>	<u>100.0 %</u>

COMPARABLE CENSUS DATA ON THIS ITEM HAS NOT YET BEEN FOUND.

13. Are there any registered voters in your household?

1. Yes	310	91.7 %
2. No	28	8.3
3. Declined to answer	0	0.0
	<u>338</u>	<u>100.0 %</u>

COMPARABLE CENSUS DATA ON THIS ITEM HAS NOT YET BEEN FOUND.

15. What is your occupation?

IF NONE, OR HOUSEWIFE; What is the occupation of the head of the household?

1. Managerial, professional, administrative, clerical, teachers	86	25.4 %
2. Merchandizing, sales, service	26	7.7
3. Public services: fire, police	7	2.1
4. Farming & forestry	10	3.0
5. Trades & crafts, and laborers	64	18.9
6. Retired	42	12.4
7. Student	32	9.5
8. Housewife	37	10.9
9. Other	24	7.1
10. Declined to answer/missing data	10	3.0
	<u>338</u>	<u>100.0 %</u>

OCCUPATION DATA: IF THE "HOUSEWIFE" RESPONSES ARE DISTRIBUTED ACCORDING TO "HEAD OF THE HOUSEHOLD" RESPONSES

1. Managerial, professional, administrative, clerical, teachers	96	28.4 %
2. Merchandizing, sales, service	30	8.9
3. Public services: fire, police	7	2.1
4. Farming & forestry	14	4.1
5. Trades & crafts, and laborers	75	22.2
6. Retired	48	14.2
7. Student	33	9.8
9. Other	24	7.1
10. Declined to answer/missing data	11	3.3
	<u>338</u>	<u>100.1 %</u>

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MATCHING THE SAMPLE'S OCCUPATION DISTRIBUTION WITH THE 1980 CENSUS  
(Eliminate "Retired," "Student," "Other," and "Decline")

|                                                                 | THE<br>SAMPLE      | 1980<br>CENSUS |
|-----------------------------------------------------------------|--------------------|----------------|
| 1. Managerial, professional, administrative, clerical, teachers | 96 43.2 %          | 41.9 %         |
| 2. Merchandizing, sales, service                                | 30 13.5 %          | 26.9           |
| 3. Public services: fire, police                                | 7 3.2              | 1.1            |
| 4. Farming & forestry                                           | 14 6.3             | 7.0            |
| 5. Trades & crafts, and laborers                                | 75 33.8            | 23.0           |
|                                                                 | <u>222</u> 100.0 % | <u>99.9 %</u>  |

16. At present, where in Gallatin County do you reside?

In or near:

|                                    |            |                |
|------------------------------------|------------|----------------|
| 1. Amsterdam-Churchill             | 0          | 0.0 %          |
| 2. Big Sky-Gallatin Canyon         | 5          | 1.5            |
| 3. Bozeman                         | 128        | 37.9           |
| 4. Bozeman Pass                    | 2          | 0.6            |
| 5. Bear Canyon                     | 6          | 1.8            |
| 6. Belgrade                        | 21         | 6.2            |
| 7. Bridger Canyon                  | 9          | 2.7            |
| 8. Dry Creek                       | 0          | 0.0            |
| 9. Flathead area                   | 1          | 0.3            |
| 10. Fort Ellis                     | 0          | 0.0            |
| 11. Four Corners                   | 8          | 2.4            |
| 12. Gallatin Gateway               | 3          | 0.9            |
| 13. Hyalite Heights                | 6          | 1.8            |
| 14. Logan                          | 0          | 0.0            |
| 15. Manhattan                      | 12         | 3.6            |
| 16. Maudlow                        | 0          | 0.0            |
| 17. Three Forks                    | 13         | 3.8            |
| 18. Spring Hill                    | 3          | 0.9            |
| 19. West Yellowstone               | 11         | 3.3            |
| 20. Willow Creek                   | 3          | 0.9            |
| 21. Rural area                     | 94         | 27.9           |
| 22. Other                          | 1          | 0.3            |
| Missing data (Declined to answer?) | 7          | 2.1            |
|                                    | <u>338</u> | <u>100.0 %</u> |

COLLAPSING THE CATEGORIES ABOVE TO MAKE THINGS MORE CLEAR

|                                |            |                |
|--------------------------------|------------|----------------|
| Bozeman                        | 128        | 37.9 %         |
| Belgrade                       | 21         | 6.2            |
| Three Forks                    | 13         | 3.8            |
| Manhattan                      | 12         | 3.6            |
| West Yellowstone               | 11         | 3.3            |
| Other communities/subdivisions | 51         | 15.1           |
| Rural                          | 94         | 27.8           |
| Other, declined to answer      | 8          | 2.4            |
|                                | <u>338</u> | <u>100.1 %</u> |

MATCHING THE SAMPLE TO 1980 CENSUS DATA

(Eliminate "Other," "Decline." In order to match Census practices, move subdivision and geographic area population, like Bear Canyon, Bozeman Pass, Spring Hill, etc., into the "Rural" category.)

|                   | THE<br>SAMPLE |         | 1980<br>CENSUS |
|-------------------|---------------|---------|----------------|
| BOZEMAN           | 128           | 38.9 %  | 46.8 %         |
| OTHER COMMUNITIES | 76            | 23.0    | 13.3           |
| RURAL             | 126           | 38.2    | 39.9           |
|                   | <hr/>         | <hr/>   | <hr/>          |
|                   | 330           | 100.1 % | 100.0 %        |

NOTE:

The 1980 Census indicates that 50.5% of Gallatin County's population resided in Bozeman. The figure given above is adjusted to exclude the estimated 3,000 M.S.U. students who were living in the dormitories at that time. These people have the M.S.U. 994 telephone number prefix which was not sampled for this survey.

## SAMPLING PROCEDURE

The goal was to contact 350 households in hopes of getting 300 completed interviews. The number 350 was divided by 61, the number of pages in the phone book covering Gallatin County telephone subscribers. The result was 5.74. On this basis interviewers were assigned groups of pages and asked to pick six numbers from each page at random, at least two from each column. They then added 10 to each number picked to arbitrarily generate an anonymous phone number. If there was no answer or the phone was not in service the interviewer added another 10 to the number and called that number instead.

This way all of the County was covered, and the interviewer was calling arbitrarily generated telephone numbers. Besides anonymity this procedure assured us that both new subscribers and people with unlisted phone numbers were contacted.

In total, 360 households were contacted and 338 of these resulted in completed interviews.

GALLATIN COUNTY GOVERNMENT STUDY COMMISSION

PUBLIC MEETING  
COMMUNITY ROOM      December 5, 1985      MANHATTAN, MONTANA

Those who attended:

|                              |                              |
|------------------------------|------------------------------|
| Vernon Westlake, Chairman    | George Reich, Willow Creek   |
| Jim Storey                   | Mark Cooper, Willow Creek    |
| Barbara Paugh, Vice Chairman | Phil Townsend, Manhattan     |
| Elsie Townsend               | Margaret Townsend, Manhattan |
| Wendell Townsend             | Ruth Lewis                   |
| Lou Ann Westlake             | Rich Lewis                   |
| Mary Vant Hull               | Babe Goldenstein (Alvin)     |
| Mayor Bob Olsen, Manhattan   | Gordon Darlinton             |
| Harold Kimm                  | Bill Black                   |
| Mike Ward                    | Marian Hollenback            |

Vernon Westlake opened the meeting with a welcome to all the folks who came to this meeting. He introduced the members of the Gallatin County Government Study Commission to the guests. Vernon said that Elsie Townsend had made all the arrangements for this meeting and he thanked her and Barbara Paugh for arranging the publicity.

Mike Ward showed a slide presentation that the Voter Review office from the Political Science department at M.S.U. had put together. It showed what forms of government that should be studied and gave some background as to what this study is all about.

Vernon said, "The purpose of the Study Commission is to study the existing forms and powers and procedures of other forms for deliverance of government and compare them with other forms available under the laws of the State." He said that is a statute quoted directly from the Montana Codes. "Our study of the existing local County government has included interviews with all the elected officials-- about 13 offices in all, the Health Office, the Road Supervisor, the Subdivision and Review Director, the Civil Defense Director, the Personell Director, County Agent and the Welfare Department Director. These last ones I named are the appointed people in our government (also Administrative Assistant)." Vernon continued, "We also interviewed several, five to be exact, former County Commissioners and the former County Surveyor. We feel that we are at the point now in our Study to make comparisons with the other forms of local governments that are available by statute. These were named in the slide presentation but I am going to just briefly review them.

Commission-Executive which is the Mayor-Council

There are no counties in the State operating with this.

Commission-Chairman--No Counties have this

Commission-Manager--Great Falls operates with this form

(The majority of Cities in the State operate with this.

Commission form which we have in our County along with 52 other counties.

Forms of government to be studied, (Cont'd)

Charter form-Two Consolidated Counties--Butte and Silver Bow and Anaconda-Deer Lodge  
Town Meeting--There are no counties in the State and it is not a consideration in our County because there is a limitation of a maximum population of 2,000 people.

Vernon: I might add that over 90% of the local governments in the United States are Commission form. That is the same that exists in our County. Another interesting fact to me that I didn't realize until we attended a workshop at M.S.U. is that this is the only State that has the Constitutionality requirement that the voters consider review of local government in the 10 year span.

Elsie: Tell them about that meeting at M.S.U.

Vernon: It was put on by the same group that made the slide presentation (Voter Review part of the University system.)

Elsie: People came from every county in Montana

Vernon: The elected people of the Local Government Study Commissions attended en masse. I forget what the total number was. It was a very well attended program and I thought pretty well done, too.

Elsie: They gave us background of the government and they told us a lot about government that I didn't know. Maybe you did already.

Vernon: No, I didn't either. Our group attended, our entire commission, and participated in workshops and we studied-- in fact it's all in this (Huge notebook 4 or 5 inches thick). That's the size of the presentation that we received and it was very worthwhile for all the people studying local governments from all around the State and that was the consensus of everyone around.

Elsie: They didn't just preach but they let us ask questions, too.

Vernon: There was a lot of questions. There were, surprisingly several people who had served on Study Commissions 10 years ago & are back to serve again. They were helpful with suggestions.

Elsie: The Lieutenant Governor was there.

Vernon: Yes, people from Missoula, Dick Roeder who was one of the delegates to the Constitutionality Convention. This is kind of his whole interest and concern, the Political Science aspect of the whole meeting. If you have questions about this, don't hesitate to ask. The only thing we ask is if you do want to speak we would like you to state your name for our records.



Vernon: (continuing) The Study Commission decided that a public survey or a questionnaire might be very helpful to compare the existing forms of local governments and we decided that we would appreciate getting a response from the public by this particular questionnaire or survey and then later at this meeting and the public meeting in Bozeman we will get as much response from the individuals along the lines of this questionnaire or some of the questions from this questionnaire to use in making this comparison or decisions as to how much change, if any, that we should be considering for our Gallatin County local government. Before I go into the questionnaire I'd just like to ask about 3 or 4 questions from the group and then we would definitely appreciate a response to any one or all before we go into the questionnaire. Hopefully you will be responsive and give us what you think so we can go from there.

The first question is kind of a 2 part question and I might surprise our own commission with the fact that we'll put 2 parts together because I feel like one part definitely governs the answer to the other part.

Question: Are you satisfied or dissatisfied with our present form of government? If you are dissatisfied would you favor a part-time elected Commission who would hire a full-time manager for our local government?

Another question that we'd appreciate your consideration here this evening is:

Question: Presently Gallatin County Commissioners serve a 6 year term. How long do you think their term should be?  
2 years?                      4 years?                      6 years?

Question: Do you favor combining the duties of some of our County officials? If you favor, what might you recommend as a consolidation in duties, services or offices in this County?

With that I'd like to go back and just kind of go around the group and get a consensus here this evening. First, are you satisfied with existing form of government? If you are then we'll just pass by the 2nd question.

Bill, What do you think?

Bill Black: If you can get good people to run for office our present form of government is all right.

Vernon: Do you feel like we get competent people running for office?

Bill: Three years ago we had a vehicle license tax. I went to see Margaret Brown and said, "There's something haywire with this, don't sign it." I went to the Commissioners office and and said to Mrs. Nash and Mrs. Tonn, "Don't sign that budget till we find out what's haywire with that budget."

Bill Black (cont'd) Two days later they all four had signed it. Now we make up the vehicle license tax, It was over-funded and had to be refunded. Now, this past year with Legislature there's a short-fall of 1.3 million that had \_\_\_\_\_ in the State Foundation money.

Vernon: You're saying the Commissioners-----

Bill Black: I'm saying the Commissioners and Margaret Brown--they just went ahead and represented the school budget. You, me and all of us, we're paying for all of it. We didn't get ours back, thank you. It cost the \_\_\_\_\_ to refund that money. Ken Nordvedt picked it up at Thanksgiving.

Vernon: Do you think a part-time elected commission and a manager ---

Bill Black: You get incompetent people running for office or an incompetent manager it makes no difference.

Vernon: What you're saying is, "It's not the system, it's the people."

Elsie:

Do you think they should be prepared for office or do you think----

Bill Black: (I couldn't understand him but I did get one part)  
People who run for office can't run their own business sometimes.

Vernon: Anybody else?

Mike Ward: I agree that competent people are necessary no matter what the form of government is. My problem with the present form is people are elected to serve full-time. That eliminates some of the most competent people who might run if they served part-time. Just once a week, such as City Councils or similar, Bozeman City Commission for instance--those people are almost all full-time employees but they serve, for next to nothing, just dealing in policy making. They don't mess around in day to day affairs of the City. Do you agree that they might get better people if they didn't serve full-time? I know some of the people you're talking about---they never had such a good job in their life as when they were elected County Commissioner. Your not going to get wealthy as County Commissioner if you're honest.

Jim Storey: I'd like to make a comment on that too. To get these people running is a vulnerability. Anybody who has anything is not going to stick their neck out to run for an office like that and I suppose that's one of the things that should be changed in Legislature. I feel in a group like that a body could make recommendations to ease that a little bit.

Vernon: That's a liability serving the public in that capacity. Barbara, do you want to pursue this with Bill anymore?

Barbara: No, I don't think so.

Vernon: What about length of term in any form of commission government? Do you think it should be 6 years? 4 years, or 2 years?

Bill Black: If they're good 6 years isn't long enough. If they're bad commissioners 4 years is too long.

Mike Ward: If you have good people and they're elected for 2 or 4 years they'll get re-elected. This 6 year term, people forget all the stuff that went on 3 or 4 years back and the fact of it is in this County no one has ever been re-elected in the last 25 years.

Vernon: Ralph Armstrong was the last one. Do you favor combining duties and services in any of these elected offices.

Bill Balck: Yes

Vernon: Do you have any idea which ones?

Bill: No

Vernon: Harold Kimm, what do you think?

Harold Kimm: I'm satisfied with the present government.

Vernon: Do you favor 2, 4, or 6 year terms?

Harold Kimm: I would favor 4 year terms. I feel that if a man's doing a good job he's going to get re-elected.

Vernon: Mr. Mayor?

Bob Olson: (Mayor of Manhattan) I'm satisfied with the County Commission. I'd like to see 5 seats instead of 3

Vernon: Full-time?

Bob Olson: Well, just sitting here listening--part-time you'd get people involved more. I don't like 3 commissioners. If it's too small a group they can gang up, not saying that's bad, but sometimes it is. We have 5 commissioners and it works pretty well. Three Forks's Mayor has 9 Commissioners and he says the discussion sometimes goes on and on and the meetings drag on and on.

Vernon: You're saying you think 5 Commissioners?

Bob Olson: Well, possibly. I like the 4 year term and I like every 2 years rotation.

Vernon: Wendell?

Wendell Townsend: I think the 5 member Commission, 4 year term and existing form.

Vernon: Are you satisfied or dissatisfied with local County Government?

Margaret Townsend: I agree with Mayor Olson, 5 members on the Commission, 4 year term with present form.

Phil Townsend: (Agreed with his wife)

Vernon: How about you, are you satisfied with local County government? Or dissatisfied?

George Reich: I may be misinformed, I don't know. If you're going to start by cutting guys--I've served on quite a few boards and if your going to have one commissioner to serve on all those different boards you've got to have a commissioner there to help you. It's pretty important. Weed Board, for instance, it's important to meet with them. Four year term, Full time Commissioners and 3 or 5 member Commission. Three could handle it.

Mark Cooper: I like the government we have right now. Like George Reich, I think its a full-time job. Maybe a 4 year term, get the right people elected, and a 5 member Commission.

Gordon Darlington: I favor attacking it from the other direction. I feel like a 3 member commission and I think we should pay them twice what we do now to attract better people to run for the office. I realize this has to go through the Legislature and this sort of thing but we hire a Superintendent of Schools that we pay someone \$50,000 or \$60,000 to run one school. We hire somebody to run the County which is a multi-million dollar entity and we pay them subsistence pay basically. You can survive but certainly it isn't a good job. My personal feeling is it should be on of the better jobs in the County. We should pay 50-60 thousand a year and you'll get very qualified people to run. My other thought--being from this end of the County down here, I personally don't like the idea of the whole County electing all three of the Commissioners. I think we should have districts and those districts should elect that Commissioner. If you've got an area in the County that is solidly Democratic they probably should have a Democrat on that board every year, but if the whole County votes and the whole County is Republican, then you're going to get a Republican every year and I don't think that's fair. I think whatever area should elect that County Commissioner from that area.

Gordon Darlinton: (cont'd) I think we should pay them more and we should stay with the three we've got now.

Vernon: What about the term? Did you say----

Gordon Darlinton: I probably would say 4, maybe 6 is a little bit too long. I think the last few experiences we've had have kind of got worn out after 6 years. If they're good people they'd probably get elected again.

Mike: I'm pleased to hear you say that, although I'm surprised to hear that you say you want to spend that much more taxpayer dollars for full-time commissioners.

Gordon: I don't like the part-time idea at all.

Mike: Why?

Gordon Darlinton: Well, I just don't think you get qualified people that can really get into the job. I think the County Commission job is a very important job and I don't think you learn how to do it until you've been in at least a year and to put someone in for a few years at part-time I just don't think that would work.

Mike: Well, my position is not the same as some of my fellow Study Commissioners. I strongly favor the Commission-Manager form and one of the reasons is the full time Commissioners we have now have both Legislative and Executive authority all rolled up into one and that's what takes one to two years to learn where the mens room is. If they had a full-time manager who knows this stuff and is there all the time and he's in charge and in authority of all departments then those 5 part-time Commissioners that I advocate, wouldn't be dealing with day to day affairs. They wouldn't be dealing with nickels and dimes for the budget or whether or not they could spend \$200. here or there. They would decide policy. How we would do this thing, how it's to be done. Bozeman has this system. Bozeman likes this system. They've had it for 65 years and I've been attending every meeting of the County Commission and the Bozeman City Commission meetings for the last 5 years. Everyone of them except a 2 week vacation. I've watched them and compared and believe me----

Gordon D.: If you have a City Manager form of government he's going to take care of where the wheel squeaks the loudest and basically that's Bozeman. If you lived in Three Forks or Manhattan you'd at least have one Commissioner who's got some say--he's from down in that area.

Mike: I'm not disagreeing with that aspect.

Gordon D.: But, if you have a guy from Bozeman he's going to basically be for Bozeman. I would disfavor that.



Mike: I would disfavor that, too.

Gordon D. We don't see the road grader down our way very often.

Mike: Would you care to delve more into the elected people by district? Because I see a flaw in that. It might not go the way you think it will because the Supreme Court says, "This will be equally proportioned according to population."

Gordon D.: Well, right now I feel Bozeman controls the whole county.

Mike: They don't control the County Commissioners.

Gordon: Well, they do to a certain extent. If you've got an area in the County that's Republican and Bozeman is Democrat and you're going to have a Democratic County Commission every year. It isn't right now but it could be. There are other counties that are that way--where you have sections of a county that are solidly one way but they never elect anybody from that area.

Mike: Well, I'm the Chairman of the County Democratic Party, I live in Bozeman and I'm a retired Air Force Colonel so I've got lots of things going against me but believe me, votes are not all one or all the other. We never know till the last vote is counted which party was the strongest.

Gordon: But it could be if it was switched the other way. If you lived over in Butte on the outskirts of the county and you were Republican I'll guarantee you'd get a Democrat every year and that's why I like the sections. Why should Bozeman tell us whether it's going to be somebody from Three Forks or Willow Creek that represents the area? They don't even know them. The whole County elects whoever runs the County Commission.

Mike: The districts all converge on Bozeman. That's where the majority of the population is.

Vernon: There's one thing I think I might mention. If you do support the County Commission-Manager form of Government that practically requires elimination of all elective office. Otherwise it won't function. So that's something for you to consider in thinking about the type of government that we should be considering.

Mike: Right now we've got a lot of people in County government who are elected. We've got 3 Commissioners, 2 District Judges, 2 Justices of Peace, Clerk of District Court, Surveyor, Clerk and Recorder, Auditor, Assessor, Sheriff, Treasurer. If we had the Commission-Manager form about 7 of those would no longer be elected as I would like to see it. The Surveyor, Clerk and Recorder, Auditor, Treasurer, Public Administrator, Assessor, Coroner would be the ones not elected.

Mike: (cont'd) Whether the County Attorney and the Sheriff should be elected, I'm not prepared to say. But you could get a good change, I believe, electing District Judges, electing Justice of the Peace and the County Commissioners.

Vernon: I think he covered that pretty well. Ruth, what do you think?

Ruth Lewis: I think that the present form of government, shorter term of office--4 years--5 commissioners might be a good idea. Not too big a change.

Vernon: Mary

Mary Vant Hull: I'm Mike Wards wife. I'm Mary Vant Hull. I'm also a part-time City Commissioner of the Bozeman City government. As a part-time Commissioner I really work my head off. I go to all kinds of meetings. There are two other meetings I could have gone to tonight but I decided to come to this one. I'll tell you when I look at County government compared to the City government and I see, for example, that our City Treasurer is under the thumb of a full-time Manager who knows his job, has a Masters degree in Public Administration, he really studied to get it, and knows what the Treasurer should do and what all the different offices should be about and these people are all there at 8:00 in the morning and then I look at the County government, I always saw the Commissioners down through the years as a person who cared about the County government, and I see the full-time County Commissioners come in when they want to, the Treasurer comes in when he wants to, the Auditor comes in when he wants to. Who are they all responsible to? All the people in the County. And when everybody is gone nobody's the boss because we can't be there every morning at 8 and see whose there or be there at 5:00 and see who takes off. Nobody's their boss. They can do what they want to. Some of them are good and some of them are not and you and I don't know if they put in 40 hours a week at the Courthouse. It seems to me it's a very incompetent way the way the Courthouse is run. I think you can get really good-part time Commissioners and I think you can get a good person for Manager. I think 5 is probably a good number. You should have one good person who knows from Day 1 what's going on. The Commissioners are people who get out among all the people and learn all they want and then they tell the Manager, "You run it and run it right." I think County government is very inefficiently run. Like Bill said, It costs us a lot of money. Sometimes it just goes out everyday, a spoonful at a time.

Vernon: Ruth, you had something to say?

Ruth Lewis: Well, I was just wondering if she was talking about the Commissioners hiring the manager or would he be elected?



Mary: The Commissioners would hire the manager but he'd have to be equipped with real good qualifications.

Mike: Well you could tell how you went about that.

Mary: We had 132 applications. We went through all of them. We put in a lot of full-time work. We put in a lot of time in meetings. We kept sifting through them and discussed qualifications and finally got the number down to 13. We had telephone interviews with them and followed up on references and finally got down to 5. We had hearings, public meetings and receptions and finally we settled on one. We think we got a real good one. But we sure got a lot of public input all the way around. Because we're elected, we care what the public says. They are our neighbors. We want to listen to them or we won't be good neighbors.

Gordon Darlinton: Are the taxpayers that much happier with that type of government?

Mary: They seem to be very happy. I mean if they can be happy. Government is never perfect, right?

Gordon: Right.

Vernon: Rich, we haven't heard from you yet.

Rich Lewis: I think the existing government is going along fine, but I think it should be alternating.

Vernon: In other words you're back to a 6 year term, basically where there's someone elected every 2 years. You pretty well go along with the existing form--how many Commissioners?

Rich: Five Commissioners--could be 4 year terms.

Vernon: How about combining some of the offices with some of the services?

Rich: I don't really know

Vernon: Does anyone else have anything to add? Babe, we didn't hear from you yet. Do you have any thoughts on these questions?

Babe Goldenstein: Yes, in the last several days I've given quite a lot of thought to this. You know a Farmer and Rancher can't change horses in the middle of a stream. Three Commissioners and full-time. I think they could combine some duties of offices. Coroner and Health Office.

ultra

Mike: We have the only professional Coroner in the whole State of Montana in this County. Every other County just has someone run for Coroner and they are elected. You only have to be 18 years and a citizen and you can run.

Public Meeting, December 5, 1985 (cont'd) Page 11

Gordon: What is the Commissioners salary? About \$24,000?

Mike: The line item for the Commission is \$100,000, that includes their salary, secretaries salary, etc.

Vernon: But they actually receive a little less than \$24,000.

Mike: Yes, \$75,000. of that is salaries. Of course they're not the highest paid people in County government. Some of the appointed get alot more, especially the Administrative Assistant who nobody hears about much and he's most important.

Babe Goldenstein: Most farmers and ranchers, if they have a problem they want to have somebody listen to them.

Mike: May I ask why you assume a County Manager would not listen to the people?

Babe: Well, I'm not saying he would and I'm not saying he wouldn't.

Vernon: You're saying then, that an elected person would listen and try to do something about it.

Babe: Right

Gordon: Don't we have an Administrative Assistant now who basically does the same things as a manager or at least he could, it appears to me. Why doesn't he?

Mike: He has no authority. He works for the Commissioners. He has a contract that says what his job is. This Administrative Assistant makes about \$38,000. a year. If he were to resign I assure that your County government would be       ?      ? (sunk)? because he knows-----

Gordon: What would you do with him if you had a manager?

Mike: I'd hire him if I could. I'd cut back to about \$18,000 compared to \$100,000.

Gordon: I think they should be paid \$50,000. I think if you get a good manager you'd have to pay a good price.

Mike: We haven't talked much about money tonight. \$15 million bucks is a pretty good piece of change.

?????: The county is solvent, they have been all the way, regardless of mistakes.

Vernon: Lou Ann---

Lou Ann Westlake: I'm not in favor of the Manager form because I feel first of all, this person generally is not from this area. It's someone that has been hired from another area, who doesn't understand the problems, who doesn't know the people, who doesn't know any of the history of the community. I kind of agree with Babe to elect people from our community. They know or have some idea of the needs of the community. I feel they'd feel responsible to their neighbors and with an Administrative Assistant he or she is responsible to the Commissioners and they are involved and part-time Commissioners would not have the time to be involved as the County Commission is and so I feel that they would be something like a rubber stamp which--the School Board for one thing, I don't know about others but in Bozeman the School Board is more or less just to meet and discuss things but the personnel director comes and say's, "These are the people that we are going to hire and they don't even know who is qualified for the job. I feel this might be what would happen.

Vernon: I think maybe we'll move into the questionnaire and then we'll come back to anybody here who would like to make statements, or comments, this type of thing for the record. We don't have copies but I'd just like to read the results. If anybody has any questions, just hold up your hand and we'll proceed from there. I think we've done the first question very satisfactorily and I think we've done 2 and 3 also.

Elsie: Are you going to read the percentage?

Vernon: Maybe we'd better do that. (Vernon read the survey questions and the percentages of the results of all of the questions. A survey will be attached to this in the minutes book.)

Vernon clarified the question #10 by saying this has been kicked around in the valley as to whether that means consolidating Police and Sheriff or does it mean providing some type of a central radio system that could call a town marshall, sheriff's officer, highway patrol or policeman and our thinking on this question was a centralized radio dispatch system to call a particular number. Hopefully that's the way it was interpreted. That was the intent of the question.

Mike: We're not professional question "draw-er uppers."

Vernon: Along that line I was reviewing today the work we did on this questionnaire. There's one meeting alone with 28 pages of secretaries notes that we discussed one night.

Vernon talked about the age question as an extra question and he also talked about the comparison of our questionnaire with 1980 census figures. (This information is in the 1985 County Study Commission survey results.) After he read  
(next page)

Vernon: (cont'd) the comparisons he said he was pleased with the results of ours because they seemed to be along the same lines as the Census of 1980.

Vernon: I had quite a few doubts about this survey--  
The sampling process being real realistic.

Mike: We should point out that the survey was by telephone and no 994 numbers were called. 994 numbers are university dorm numbers so we didn't use this, deliberately, so as to exclude this number because most students are not Gallatin County people.

Vernon: Bill?

Bill Black: How can we exclude this group of people from voting on our----

Mike: If they're registered to vote here they vote here. We can't do anything about that. I should add though, being in politics myself, we find a very small amount of out of town students vote. Maybe 10% in a presidential year--in a non presidential year, less than 5% of them vote.

Mary Vant Hull: I might mention in the City election that we just had in the student precincts there was a 3% and a 4% vote, so not too many vote in a local election.

Mike: But in a presidential year it's a little bit higher and I certainly wouldn't want to exclude that vote for a President.

Harold Kimm: You said that you excluded the 994 numbers. Why was there not any 282 numbers?

Mike: I can't answer that

Vernon: We're still trying to figure that one out.

Mike: We were told they did not call any 994 numbers but it was the roll of the dice with the 282 numbers.

Elsie: Tell them we did not do the calling--the University did.

Vernon: I was up there--the sampling--I went through the process with them and it was just exactly as Mike says it was. Definitely a gambling situation. They just picked some numbers on some pages all the way through the book and then added anywhere from 1-10 to those numbers so there was nothing but random on those computers. We don't know why that happened.

Barbara: There were 5 282 numbers called.

Harold Kimm: On the survey it said there was none.

Barbara: Last week we got the list of prefix's from Dr. Haines. There were:

|            |           |            |          |
|------------|-----------|------------|----------|
| 284 prefix | 12 called | 995 prefix | 4 called |
| 282 "      | 5 "       | 646 "      | 11 "     |
| 285 "      | 15 "      | 763 "      | 6 "      |
| 388 "      | 34 "      | 993 "      | 1 "      |
| 586 "      | 138 "     |            |          |
| 587 "      | 112 "     |            |          |

Marian: That's what I got from last weeks tape when Dr. Haines gave us the information on the prefix's. The only one that wasn't clear was a 991 prefix. (Barbara and I decided it really was a 993 prefix).

(Everyone talked at once about the random numbers)

Mike: But in any case, it wasn't by choice. Our choice.

Vernon finished the survey by saying that 92% had registered voters in their homes and he read the occupations of the random surveyed.

Vernon finished the survey by saying that 92% of the interviewed people had registered voters in their homes and he read the occupations of the random surveyed.

Vernon: Actually, all in all, the sample turned out to be quite close to the real situation as far as government, and occupation, and the ages of the people and all the different groups as was broken down in the 1980 census. That pleases me, particularly, because I was really quite dubious about this thing working out.

Mike Ward: Yes, when you consider only 338 responses from people who answered the telephone out of 45 or 47 thousand people in the County it's remarkably close.

Vernon: They told us that 300 or 350 would give us a 5% deviation on each side of the actual correct figure so it shows it pretty well through the sample. The results worked out just about the way they said. Comparing the areas of the sample to the 1980 census is Bozeman--128 which is nearly 39% and thats 47% in the 1980 census so actually there was a few more in the outlying area than the census---- there was less people contacted in the Bozeman area compared to the census in 1980 so really the outlying area did get a few more calls in proportion to the number of people that live there than the census showed.

Mike: It wasn't loaded in favor of Bozeman.

Vernon: No, in other communities--76, 23% and 13% in 1980. There's the main difference right there. Rural--126. The sample gives 38.2% compared to 39.9 in the census. 1980 census indicates that 50½% of the Counties population resides in Bozeman.

Vernon: (Cont'd) So that pretty well covers it, I will read the sampling procedure. (This is on the last page of the survey.) The Commission was pretty well satisfied with the results of this public survey even though some of us kind of had our doubts to start with. We wondered if it would really give us predictable results and I think the results were pretty predictable.

Babe Goldenstein: How does this relate to the Bozeman City itself?

Vernon: We don't have the results, do we?

Mike: I have a copy of it here someplace.

Elsie: Theirs was a lot longer than ours.

Vernon: I just know what I read in the paper and that is that they were reasonably satisfied with the existing form of government although there were some questions that dealt more in the knowledge of government.

Mike: The main problem with the Bozeman Government City survey was that about 2/3 of the people would like to see the Mayor elected a different way. The Mayor is now chosen by the highest number of votes--that person becomes Mayor. But as Vern said, most people were fairly happy with the present form of government.

Barbara: How many people did they survey?

Mike: I think it was just over 300. Very similar to ours. Looks like it was about 275, that's what I see here.

Elsie: We met with the City Study Commission last summer at a joint meeting.

Vernon: That was the only Study Commission in the County that wanted to meet with us. We offered to meet with all of them but the City of Bozeman was the only one who wanted to, which was fine. That didn't make us down on anybody or anything like that. We enjoyed meeting with them. The concerns are always different in an incorporated area than they are in the County as a whole.

Mike: I attended one of those meetings in Belgrade of the Study Commission. They had a pretty good turn-out. They favor the Charter form.

???: Did they run a survey there?

Mike: I don't know.

Barbara: I think they did.

Mike: There was no mention of it. It's kind of interesting, the turn-around that has taken place.

(next page)



Vernon: We talked to a couple of members of the Study Commission last Spring and they indicated to me that they didn't feel there was any necessity, that they were going to wrap theirs up with the existing form and that was going to be, really, all there was to it. Evidently things took a different turn after the election.

Mike: I was really astonished because that was Curt's attitude and I didn't see anyone disagreeing. They all turned around after they got to looking around at what they had.

Vernon: It's a learning process. I know that I've learned alot.

Lou Ann Westlake: When you write your report are you going to share some of the things that you have learned about County government?

Vernon: That would be our tentative report where we would mention our recommendations and concerns of our Study Commission.

Lou Ann: Well the recommendations, but will there be something in there about what you've learned that gives you a basis for your records so that other people can know what you've done.

Mike: I think it's quite an idea if we've got the time to do it.

Ruth Lowis: It seems to me that the last Study Commission had a book published.

Vernon: There was a tentative report or preliminary report. Then they wrote their final report.

Ruth: There were 2 signatures on the final report.

Vernon: Yes, there were 3 serving at the preliminary report and 2 serving at the final report.

Gordon Darlinton: Vern, would you explain--I'm a little confused. What happens down the road after all these hearings. How much authority do you have as a Commission? Can you get it on the ballot for 2 or 3 different times if you want to or can you do absolutely nothing or does the County Commission make the final decision or what?

Barbara Paugh: We make the decision.

Vernon: Whatever alternatives to the existing form, including listing the existing form on the ballot, as many alternatives as necessary as I understand it.



Mike: I think the important point is that we are not answerable to the County Commission or to any member of the County government. We are independent.

Gordon Darlington: Well, what happens to your findings?

Vernon: If we don't recommend any change it will be in the final report.

Mike: I think that will probably be a minority.

Gordon: Well, but how do you vote on that?

Mike: Vote the way any elected body does. A motion is made and seconded and the Chairman calls it---

Gordon: No, No, the people--down the road--You're going to have to come out with a recommendation, only one, not a minority or a majority.

Mike: There's a lot of different ways. If this group decides that we will recommend a change, a significant change, then that would be placed on the ballot. Do you favor the existing form of government or do you favor a change proposed by the County Government Study Commission in their report. OR it could be this way. The County Government Study Commission does not recommend a major change in the form of government but it does propose certain minor changes and those could be put on the ballot and if we decide as a body that no major or minor changes should be made, it doesn't go on the ballot at all. We finish our business, lock the door and go home.

Gordon: But there won't be 2 or 3 choices on there. You people will allow that decision, what you want to do, by majority vote and that will be your decision to go on the ballot.

Mike: I guess that's how we do it. We don't really know.

Vernon: Well, I think that's the way its been. There's a recommended procedure but its pretty loosely explained in statute. We have pretty well full authority to go ahead and make recommendations and report what will be printed on the ballot. Then it will be up to the people--up to the registered electors to decide.

Gordon: But, basically, only one thought will come from your group. You may have a minority report which will be published in the paper but it won't necessarily be on the ballot or do the people have 2 or 3 choices?

Vernon: I think you're right. I think that's the way it is.

Mike: If I could turn the rest of these Commissioners around--- We'll be having another public meeting next year.

Vernon: We're scheduled for January 9th in Bozeman. With this additional input, we're pretty sure we have good people to write a preliminary.

Vernon: Are there any more comments or questions?

Barbara Paugh: I'd like to ask Gordon---Your main complaint about County government as it is right now, do you feel the lower end of the valley is getting left out? You and West Yellowstone?

Gordon: I don't know if we're being left out. My objection is that I'm not sure if the College kids from Bozeman should have a vote on 2 people who are nominated from this area. That's my objection.

Barbara: Like these people say---they really don't vote too much.

Gordon: Well, most of the elections are decided by a 51% to a 49% factor, 1% or 2% can make a deciding factor, definitely. Very seldom are they 60-40. The University can have very much affect on who's elected down here.

Mike: That's definitely not in our----

Vernon: That's the elected process.

Barbara: No, we can't do anything, but we can talk about electing by districts and we have talked about electing by districts. You really have to think about One Man, One Vote. We really don't mean much once we start that, so that is one thing we have talked about.

Mayor: A five man Commission---District the same as they do with the Legislators. Legislators are from a certain district.

Vernon: That's what they're talking about and that definitely presents this problem--

Mike: Bozeman and Belgrade is where the population is--

Vernon: --and the rest of the area might be a small part on the fringe--

Mike: You might wind up with the whole rest of the County as one district. I sympathize with you.

Barbara: At least the way it is now you have a chance of getting someone from your area.

Gordon: Have you looked into this Bozeman-Belgrade paying 99.9% of the taxes?

Mike: I doubt it. (Everyone talked at once and there was laughter but this is what I heard, including Vernon's next lines.)

Vernon: The rural or outlying area is 58 to 62% to 42 or so in the actual city limits. That's assessed valuation.

(next page)

Vernon: (Cont'd) There's some additional factors we all know that changes that a little bit. Mike and I have discussed this.

(This is where I changed tapes so I missed some of the conversation. Mr. Black was talking but I have a hard time understanding him on this tape.)

Vernon: But it definitely shows that the elective process when it's very very close sometimes doesn't turn out the way it should.

Bill Black: Something happened there---

Mike: Winston Churchill said a few years ago, "Our system is the worst one ever invented except for all the others."

Vernon: Does anyone want to make a statement or something for our records?

Jim Storey: I'd like to ask Gordon a question. In a lot of peoples minds there's about three criteria for government. I would think the first would be Accessability, the second, Accountability and the third, Efficiency Effectiveness. What I want to know is what you think of this. Maybe I'm wrong in assuming that that is what's wrong.

Gordon: I don't object to the one we have now. I like the three we have now. I think we should get better people. I think 4 years would about do that and I've heard the comments about  ? ? (going to train them somehow)???. It sounds good but I think it's an impossibility.

Vernon: Does that answer your three questions?

Jim: Yes

Vernon: Does anyone else have a statement or question?

Babe Goldenstein: Vern, John Nehring called me last week. He got my name from the Agricultural Preservation Association. He got this survey and looked it over and I would like to read the letter that he wrote.

Vernon: Go ahead and read it. Will you give a copy of this letter to Marian for our records?

Babe: She can have this one after I read it.

Vernon: Now, is this regarding the survey?

Babe: Yes ( Babe read the letter in its entirety and it is attached to this report.)

Vernon: John called and asked for this information before I called all of you on the Commission. All the results and the minutes of these meetings are on file at the

(next page)

Public Meeting, Manhattan, December 5, 1985 Page 20

Vernon: (Cont'd) Clerk and Records office at the Courthouse and if you're interested you can go and request to see them and find out what we've been doing.

Are there any more questions? If not, the meeting is adjourned.

Respectfully submitted by *Marian E. Hollenback*  
Marian E. Hollenback, Secretary

PUBLIC MEETING

of

Gallatin County Government Study Commission

January 9, 1985

Community Room, Courthouse

Vernon Westlake, Chairman of the Gallatin County Government Study Commission opened the meeting and introduced the Study Commissioners. He then explained some of the background and work that has been done in the past year by the Study Commission.

Elsie Townsend told about the meeting at Montana State University that was held in December of 1984 in preparation for the years activities of the Study Commission. She also told of some of the interviews that had been conducted.

Mike Ward showed the slide show that had been prepared by the Voter Review News personnel to use to explain the different forms of government that could be considered by the Study Commissions from all over the State. Mike explained that it was a low budget production and informational.

Vernon talked about the survey and told of all the help the Political Science Department and the Voter Review News and also the Statistics Department had done to help the Study Commission. He thanked Judy Mathre, Dr. Haines and Ken Tiaht who was at the meeting. Vernon told the public that the questionnaire and survey was a time consuming part of our work and a very important part of our work.. Vernon told the people that there was a charge for this service. Ken Tiaht's part in this was the statistical portion.

Vernon invited people from the audience to participate by asking questions or making comments. Wilbur Visser and Jane Jelinski provided us with the loud speaker equipment which was a big help for this meeting.

The first man to speak was John Wright.

John Wright: This survey that was just completed by M.S.U.-- What was the outstanding expenditures to the taxpayers? How much did this cost?

Vernon: We just received the bill for the survey and the questionnaire for a little over \$1,500.00 for the time spent on this. (Actual cost was \$1,595.81) mh

John Wright: This was paid directly to M.S.U.?

Vernon: It will be. It actually has not been paid. We contracted to pay them .

Public Meeting, January 9, 1986-Bozeman, Montana Page 2

John Wright: What is the total amount of money that has been spent to date?

Vernon: Marian???(I did not bring any of my secretary's books which was an error)mh

Vernon: It's less than \$6,000. I might elaborate on that just a little---The Local Government Study Commissions have the right to levy one mill and in Gallatin County that is something like \$62,000. We levied or budgeted for 1 mill and refused or didn't request any additional money for this fiscal year. Our main expense to date is our administrative expense which is our secretary's wages.

John Wright: Is there any funds available to the opposition to the Charter government?

Vernon: The opposition?

John Wright: Yes, any organized opposition. Is there any funds available to them?

Vernon: I don't believe there's any funds available to anybody except the Local Government Study Commission and any expense that they vote as a legalized body to spend,--No other outside organization would be eligible for any expenditures against the local Government Study regardless of what the position was.

(Someone asked Vernon to re-cap what John Wright had asked and Vernon did that.)

Jim Taplin: I'm a resident of Bozeman and have paid taxes in this State for more than 50 years. My concern for the proposed or possible change of the form of County government is it seems like there should be 10 or 15 reasons where the present form has failed. In other words, where they've gone wrong and how this new system is going to change that. It seems to me that there's far more need for study on reducing the number of Counties in this State. We probably could get by with 30 or 35. I'm not a political science major and I don't know much about it but I'll give you an example. Treasure County east of Billings has 1200 people. Hysham is the County Seat. There's absolutely no reason for that County to be in existence. It seems there should be some method of reducing the number of Counties in lieu of the fact that we have such tremendous transportation changes--as I understand this I'm not in favor of any change--I'm not hide-bound to that. I'd like to know where the mistakes are being made and have been made before any proposed change goes into effect. Thank You.



Mike Ward: I think the gentleman's question about the number of counties is totally outside our area of competence and authority. The number of counties is a matter for the county residents to decide and or the legislature, not for our Commission to decide.

Vernon: Thank you, Mike. Was that a satisfactory answer? I realize there's more to your question, if the fact that if we were to recommend a change you feel like there should be a dozen reasons or more--valid reasons why we would be considering change in the existing form of government. I assure you that if we can find that many reasons in our study that we would definitely consider your concern now. Ruth Mary?

Ruth Mary Tonn: I'm Ruth Mary Tonn. I'm a former Gallatin County Commissioner. As a former County Commissioner I don't know if I can stand here and give you 15 reasons why the current system is not working because it does work fairly well but it's expensive. I am supporting a change from the present form to the Commission-Manager form of government for 2 reasons. One reason is to cut the cost of local government and two, is to make it more efficient and more cohesive. I really believe strongly in electing Commissioners to set policy. Any sort of decisions that has a community impact should be made by elected officials. In the Commission Manager form of government that would be the case. You would still have elected Commissioners who would set the budget, deal with sub-division review, who would set the road priorities and who would make all of the policy and community impact decisions in the Gallatin County. You would have one professional Manager who would work full-time and manage the day to day business. This is a multi million business and in my opinion needs to be professionally manned. I feel that most of your elected officers such as Co. Treasurer, Co. Clerk and Recorder, Co. Assessor are really controlled by Legislation. There are laws that say exactly what functions should be performed by those offices. They don't have any sort of latitude to make policy decisions and it seems to me that it's very expensive to elect those people and very expensive to pay salary to have a top manager type person over each of those departments when you could have a professional manager who could take care of the business of the entire County and then you would have department heads to run the different departments. I would support the Commission-Manager type of government having been one to work with the current form of government.

Vernon: Thank You, Ruth Mary. We appreciate your comments. They'll all be considered in our final decisions, I'm sure.



Dorothy Bradley: I'm Dorothy Bradley. I would like to thank the Study Commission for their dedication. I've studied local government from time to time, myself. It took a lot of time and work and I surely appreciate what you've done. I expect I'm like a number of people in this room tonight. That is, not expecting to say anything but I read some of the comments in the paper lately and I thought--this is a matter that touches all of us and we do deserve to give it some honest thought and comment. Probably local government touches far more people every day than what I do which is a Representative in State Legislature. In making my comments I thought it may be wise first just to expose my biases as far as good government and that is good representation and accountability. When I talk about good representation I think what I mean is from my standpoint in Legislature is. A position that is as close to the people as possible. That has been debated even on the State level where the comprehension that we could have a House of Representatives, for example, from 80 to 100 people. I fully support this to be 100 because of the individuals representation in the Eastern part of the State in that wide rural area. In my own experience when I first ran for the House of Representatives I had to campaign both from Park and Gallatin County. That meant trying to make a personal contact with everything from Gardiner to Livingston to Three Forks to West Yellowstone and it was virtually impossible. I mean you do the best you can but you cannot make personal contact. So what I think of when I think of good representation I think of being close to the people and if possible knowing them on a first knowledge basis. Second point is accountability and that's really closely related, but when I think of what that means to me as a State Representative I think of that not being possible to "Pass the Buck." When I'm going door to door every Spring or before a general election I'm accountable for what I do for the people whose doors I knocked on and they can say, "Well, the Montana Education Association tells me you're not doing a good job," or the Chamber of Commerce or Montana State University or whatever it is. That's being accountable and saying "You can't Pass the Buck," and to someone else saying, "Well, it's not really my fault, it's what I believe." That is accountability. Well, bringing this into "play" for this particular Commission is what you are studying. One of the alternatives is proposed for 5 Commissioners as opposed to the three that we have. When you think about five commissioners that is really all that we already have for representatives to the Legislature from this district. That is, Myself, John Vincent, Bob Ellerd, Walter Sales and Representative Wallin. That's five people and it seems to me that when you're talking about closeness to the people and good government, you're talking about five representatives to the State government why I think we ought to have the same number to the County government. I think it would make a lot of sense to me and I think it would make them closer to the people. It is yet to be decided as to whether this kind of proposal would be single member district or multiple districts. I resisted multiple member districts for a long time but found that when I had just one small district to be responsible to that was what created in my mind good

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Dorothy Bradley: (cont'd) government because those people knew what I was doing, they knew me on a first name basis, they could call me, they knew I was their representative and if people in this Community are worried about losing rural representation they should be looking to a system of five Commissioners in single member districts so they would avoid the problems of the urban districts being the dominating force. It's just as simple as that. It would make every single community probably have more say in the County government and it relates back to what I said about accountability. I think Montana as a State gives us the luxury of knowing the people and being close to the people that we represent. I remember one time, thinking about the State of California in which their 2 State Representatives represents about 1/3 of the number of people in the State of Montana. In my mind, that does not give the opportunity that the State of Montana does to know the people that we represent. I think if we had five Commissioners and I again support single member districts, this would give good opportunity to provide accountability.

In conclusion, I would just say to the Study Committee that I don't think we have anything to lose by putting this on the ballot. I remember at one point somebody saying, "What do you have to risk by running?" The only thing you have to risk is to lose and what you have to gain is a very good debate on all the matters to be considered. I would also suggest that if you feel this matter should be decided pro or con that rather than decide against it on the ballot in June, you might at least postpone it until the ballot in November which would give the committee even a little more time to debate the issues which I feel are very important. Thank you very much.

Vernon: Thank you Dorothy. We appreciate your comments and they are a matter of record. Joel??

Joel Shouse: Joel Shouse. I've lived in the Bozeman area in the County for the past 11 years. I am an engineering and planning consultant and have worked in this profession for the last 20 or so years. Most of that time I have spent working with local government both here in Montana, Colorado, California, Wyoming, Nevada, Hawaii, etc., a number of Western States. I've had a chance to observe all different forms of county governments. Most of them were described in the slide show and I think, just to be brief, in my experience I have always felt that the Commission-Manager form of government was the one that I thought worked best and I basically would like to ask the Study Commission to look at that particular form of government and perhaps give the voters the opportunity to select. Since I've been here in Bozeman I've had the opportunity to work with Gallatin County a great deal. I think we've had many fine County Commissioners here, however, I think that we can all recognize if we'd go through the room here tonight and select 3 people

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Joel Shouse: (cont'd) and put them in charge of a major corporation that we'd probably all feel a little inadequate. Frankly, that's what we're dealing with. This is a multi-million dollar operation that we're looking at here, strictly without being trained to do that. I think that a County Manager who was a trained public administrator would work well in that he would be able to provide the commission with the various options available to us on particular issues. People in this County, as I mentioned, ones we have elected in the past are capable people and I think they have the ability to make decisions once the facts and the options are presented to them by someone specifically trained to do those sort of things. Something else I might share with you--- I have acted as the Madison County planning director on a consulting basis since 1978 so I have lived through the change in governments in Madison County. When I first went over there they had just transitioned into the Commission-Executive form of government. I worked with the Commission and with the planning board. Of course, a couple of years ago they reverted back to the similar form of government we have here. I think there's a real flaw in the Commission-Executive form of government in that the executive is an elected individual. What really happened in Madison County was not, I don't think, displeasure with the County Government so much as it was with the personalities or individuals involved in the government. That's the thing that killed it. I think if that government had been a Commission-Manager it would have still been in place today because the manager serves the pleasure of the Commission. He has to leave if he's not doing what they like him to do. The people in the Court House, the various elected officials of Madison County, if they were here tonight I think they would all say to you they felt that form of government in Madison County was more efficient, definitely much more cost efficient than the one they've gone back to now. I think it's interesting to note that their Study Commission is recommending that they go back to that form of government only with the Manager form instead of the elected Executive. I appreciate the opportunity to share a little bit of my experience with you and ask that you perhaps consider this as an option.

Vernon: Thanks Joel, we'll definitely consider your remarks.  
Bill?

Bill Black: I'm Bill Black, born and raised here in the valley. I have lived all my lifetime here. I want to compliment Mr. Ward. He sent me a letter or I wouldn't have been here otherwise. I'm not going to agree with him all the time and I'm glad he did give me an invitation. The reason I'm glad I'm here is I'm going to address one thing. I'm at the check out age and I'm not going to be here too much longer but I've got 2 grandchildren--one is 5 and one is 12 years old. I was going to bring them this evening but I didn't know when I was going to be able to speak so we didn't because it was going to be too late for their bedtime. Anyway you look at it our government doesn't work well. I want to address this.

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Bill Black: (cont'd)"A big part of the problem is that nobody is really in charge." I'm reading from Mike Wards letter. I want to tell you why this may be. There has been 4 decades of us. I was educated, most of my education came in the 30's. I went to the World War 11 and came back and went to college. I wasn't college material because I never learned my basic education in the 1930's. I stuttered for 7 years, I can't hardly talk intelligently, I can't write a letter, I can't use a dictionary hardly. I don't know what really I'm here for. Five and a half years ago I was on the Blue Ribbon Commission for School District #7. Now, I'm going to tell you what part of our problems are. We today are graduating students out of our grade schools and High Schools here in Bozeman and they go on to College and its got to be bonehead courses, top remedial training, someplace between 15 and 25% of them. I think it's time that we clean our schools up and get them back into teaching schools instead of leisure time recreation centers. This is where the problem comes. One thing that I want to expand on--down a little below here it says, "and the County Commissions ? ? ? incompetence." Now, it's going to take a little bit--I brought my law books along with me, my Code Books, the new ones that came out of Legislature this year, 1985. I would like to take 10 or 15 minutes of your time and go through and read and if we follow their directions these people have all the power in the world. I want to explain how this is from the books themselves. If you people want to listen to me I will go ahead with this. Now, these Code books have no index and no page numbers so it's going to take me a little while to thumb from one part to another part. What I'm going to read first is in the back of the book and I've got to come to the front of the book so there's no way I can really mark the books.

Vernon: Let me ask one question, Bill, before you start this. Is this in regards to how it affects the existing form of government or will it substantiate something for a recommended change? I mean I don't want to belabor this thing but if that might be a time consuming thing unless it's really going to be right to the point as far as either supporting the existing form of government or opposing it. I guess that's what I mean.

Bill Black: I'm going to oppose the other kind and as I go ahead with this we will not have a honky-tonk radio music in the background.

Vernon: Well, go ahead and get your material--

Someone from audience: There are many of us here that want to be heard and if you give this man 20 minutes we'll never be able to speak.

Vernon: --We'll come back toward the end to hear you, Bill.



James Goehrung: James Goehrung of Gallatin County and I'm also a member of the Bozeman Study Commission. One thing I want to make clear is I'm not here as a representative of that Study Commission. I'm here as someone who has shared a similar experience as these 5 members who are on the Gallatin County Government Study Commission. I just have a couple things to say in regards to my observations of Gallatin County government. That is, first of all, I feel that the terms of office at this time for the County Commissioners are too long. I would be much more inclined to advocate that the number of commissioners be increased from 3 to 5 Commissioners with the idea that you'd have 5 Commissioners with diverse background and 5 individuals with different interests who could then follow through on running Gallatin Co. Government. Finally I would also be inclined to advocate a Manager form of government, one individual who is appointed by County Commissioners to function as a figurehead of government and an individual who is accountable and responsible to the citizen's of Gallatin County, from my experience on the City Study Commission and interviewing a number of department heads within the City. The department heads would work extensively with the City as well as the County and in terms of overall efficiency it was much better to go to one individual who they could identify as someone who was accountable and responsible than to go down the hallway and talk to 3 different Commissioners about a particular issue. Finally I would just like to charge these Study Commissioners and remind them that responsibility is not to come before the voters of Gallatin County and propose the form of government that works but the form of government that will work best and it will serve the needs of the interest of Gallatin County now and in the future. Thank You.

Vernon: Thanks, Jim. I think Margaret Brown had her hand up. Margaret?

Margaret Brown: Margaret Brown, County Superintendent of Schools of Gallatin County. I've worked under the present form of government for 17 years. I know no form of government is ever perfect. If we could find it, I'd like to know about it but I support our present form of government and when people start talking about the County Manager form of government I shake in my boots. I'll tell you why. It reminds me of the old "Spoils System." When Andrew Jackson introduced that when he was President into our National Politics the President rewarded his deserving supporters by giving them government jobs. Senator Marcy, one of President Jackson's friends described the new system with the now famous slogan, "To the Victor Belongs the Spoils." That's exactly what happened in those days if you remember our early history. During the last part of his term he dismissed 2,000 of the 11,000 employees. If we go to the Commissioner form of government, it's true, the Commissioners would probably be elected but as I understand it the other officials would be appointed. Who is he going to appoint? More than likely his friends, the people who supported him in getting him into this office. I believe in elected officials.

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Margaret Brown: (cont'd) I am an elected official. I do not feel, and have not felt and wouldn't feel if I were to continue to run I would not want to be responsible to one person because I'd feel I'd have to carry out the wishes of that person. When you're an elected official, I feel I'm serving the people of Gallatin County and I think that I'm in office to serve those people to the best of my ability. Thank You.

Vernon: Thank you, Margaret. We appreciate your comments and will consider them in our study.

Marlys Stannabein: I'm Marlys Stannabein, currently the President of the League of Women Voters. I'm representing their position. The League of Women Voters supports a Commission-Manager form of County government with a 5 member, part-time commission elected for overlapping 4 year terms. The League favors partisan elections. The majority of those voting in the County favored the Study Commission. Perhaps those citizens would like a choice about the kind of County government we have.

Ann Anderson: I'm Ann Anderson, former City Commissioner, former educator. I think that when we have an opportunity as a democracy to recognize the vigilance of eternal liberty that every 10 years we have the absolutely great opportunity to examine parts of government.

Mary Vant Hull: (From back of community room) We can't hear you.

Ann Anderson: O.K., I'll start over. As a former educator I feel that this entire exercise is required for real dialogue of people for those who represent them. In other words, by placing this on the ballot, it is absolutely essential. My own bias is having served with a Manager-Commission form of government this would work extremely well at the County level, too. I think there are other things to be concerned about, too, besides accountability and efficiency. They have been spoken too well, also there are decisions regarding earth, land, air and water. We must make sure that those which have no jurisdiction have the most professional advanced approach that we can ever lose in time. When we fragment ourselves in little nitty-gritty politics in power struggles I think we lose the real battles out there. They don't wait for us and they don't have representation such as you have here tonight. I think it's extremely important to put this on the ballot. I feel that Gallatin County has been progressive that this is another progressive step to be made for the next century. Just maybe in the nick of time. Thank You.

Vernon: Thanks, Ann. Yes?

For the record, I'm Ann Banks, a citizen of Gallatin County, perhaps without all of the professional qualifications of the people who just spoke. As a member of the League of Women Voters and a Land Use study committee, I have had contacts with County government, particularly in putting  
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Ann Banks: (cont'd) together a guide to government for the Bozeman area voters. I echo Ruth Mary Tonn, Joel Shouse, Ann Anderson and others who've spoken tonight in supporting the Commission-Manager form of government. I would say 5 elected Commissioners with overlapping 4 year terms. I feel these are more responsive and more representative of the citizens of the County. As Ruth Mary pointed out I feel that appointed officers in those positions that are mandated by the Legislature would be more effective and more efficient. I would like to quote a girl who wrote to "Dear Abby," She said, "Just because you are against something, it doesn't give you the right to decide for everybody else," and I suggest that the Commission keep this in mind when they decide whether or not to put this issue on the ballot and I hope that they will give the people of Gallatin County a chance to decide for themselves what kind of government they would prefer.

Vernon: Thank You. Who's next? Norm?

Norman Wallin: I'm Representative Norman Wallin. I represent District 78 in the Legislature. This is an interesting meeting for me, particularly during the past session I was the Vice Chairman of the Local Government Committee. I heard about 100 and some bills on local government problems. As I look back I think most of the problems I heard had to do with cities. There weren't very many that had to do with Counties. I rather think that maybe the present system works pretty well. I respect those people who'd like a change but the wheel that's been invented turns in this particular case. In the old story, if the wheel works, why change it? I think we can make any system work. It's a matter of people that make it work. We can make a Manager system work if we can find the right Manager who is entirely impartial and strictly an administrator but there no assurance and no guarantee that that could happen. I would prefer then that we stay with the system we have. I would alter that by having single districts as Dorothy Bradley indicated. I don't think that's a bad idea. I always felt that it was rather strange to elect a representative to the Commission at-large in the County where he has been in a particular district. I think that might be a worthwhile consideration. The Commission that we have that works as well as it has all these years, almost 100 years, I don't think we're quite ready to throw it out. You can compare as Mr. Shouse has done, what happened over in Madison County, it didn't work over there, they went back to the Commission System. I think there's a precedence there that we can follow, for the time being anyhow. Maybe down the line when it gets to be a much larger County with many more problems than we have now. Maybe we would change, but I would suggest that we stay with what we have because it does work and it works well.

Vernon: Thank You, Norm. I think Dorothy Eck has moved forward. She would like to make a comment.

(Please turn the page)



Dorothy Eck: I'm Dorothy Eck. I'm Senator from District 40 in Bozeman. I've served on the State Local Government Committee and as such we've listened to a good number of bills. I'm really delighted to see the number of people here from Gallatin County, because, to me, it says there are people in the County who really care about local government and I've always felt that. My political career started with League of Women Voters. I was State President and as State President I lobbied in Helena. We were at that time about the first full-time citizen lobbyists. I've spent a lot of time sitting in on the State on local government, almost felt like a member of those committees. To me, it was appalling how many decisions that were being made at the State level that really should be made at the local level. A few years after that the Constitutional Convention proposal came around. I don't know how many of you remember that----but one of the big arguments with having Constitutional Convention was at local government. Local governments wanted their shackles removed, they said. They wanted to be able to make decisions where decisions should be made, close to the people. I would say of all the arguments for a Convention, that was the strongest one. That was the one that I found people supported. They said, "Go over there and do something about that. Get us local government where we can make decisions closer to home instead of having them made in Helena and we like to say that in the State, too. We would like to make decisions here rather than having them made in Washington. The Constitution did that. It provided a method whereby local governments could reorganize themselves, could come with a structure, could come up with a way of handling local problems in local ways. I was disappointed and have been. really, every since that not very many local governments have taken advantage of that. After the Constitutional Convention I worked in the Governors office for 5 years and I was State Local coordinator which I worked with local governments and they brought alot of their problems to our office and I worked in the first round of local Study Commissions. The thing I kept finding was that people said, "Yes, we really do want to have more affecting powers at the local level but you don't know what our local government is like. We don't really want to give them more power. We'd just as soon you make those laws in Helena." I think this is continuing to happen and I don't really think it's fair because if you look at local government, both city and county, they have increased their capabilities greatly and I think for the most part we have here. You can look back in the papers for the last 10 years and you can find over and over again problems not only in Gallatin County but across the State where ineffective government has cost local taxpayers money. That doesn't mean they are not doing the best job they can but as a matter of fact our County has reached the point where a lot of our Counties have reached the point where they really need full-time expertise. They're running a huge business.

(next page)

Dorothy Eck: (cont'd) In this case, I guess what I'm thinking is that there are a lot of things we could do without going to a different form of government to have an effective government. I think that the moves that County has been making in combining offices is a good move and I think that our State Local Government and the Legislature, especially the Appropriation Committee are going to keep cutting back on funds going to support----Well, I know they're going to on the Assessor's office. They've said that's the only way we can talk the Counties into combining that office with another office is to stop funding it. But whether or not the voters of Gallatin County want to move to the Commission-Manager form of government, I think it would be very good for all of us to have that put on the ballot so they could have a good discussion and so that all these people who are here tonight who have expressed an interest in what our County government is and could be could participate and where we would have a real choice to make in what kind of County government we'll have. I think if that happens that whether or not the people of the County decides to adopt a new form I think that by having that much exposure we'll have a better government and I would urge the Commission to put some kind of alternate on the ballot.

Vernon: Who would like to be next?

Kerry White: My name is Kerry White. I've been a resident of Gallatin County for about 32 years which is longer than some here tonight and not as long as others. I think a 6 year term, 3 County Commissioners is an adequate form of County government. I think it's more responsive to the people. You can get ahold of them at night after work hours. I think the County Manager is not adequate for the amount of people that are in this County. The Manager form might be cost efficient but it's not responsive to the people. It promotes favoritism and I kind of agree with Dorothy Bradley about possibly 5 Commissioners elected to districts. I do have one question of the Study Committee as to the cost of the letters that were sent out to Mr. Black as--. I expect there were about 250 letters sent out and I was wondering whether the Commission was voting or advocating one form of government or another.

Vernon: I think you're referring to the letters that Mike mailed and he can answer that question.

Mike Ward: I sent out 250 letters to people, those who will agree with my point of view and those who do not, including Mr. Black. The last paragraph of my letter reads: "This letter is not being paid for out of your tax money. I'm paying for it out of my pocket because I think the issue is that important, not just to me, but to all of us."

Vernon: Does that answer your question, sir?

Kerry: Yes

Vernon: Another gentleman, here.

Warren Stone: My name is Warren Stone. I reside between Belgrade and Bozeman on the noisiest Highway in the State next to the noisiest airport in the State. If I had nothing else to say I'd just think this was great. Mr. Ward stated when he started the screen show that this was not a Hollywood production but I would like to bring to your attention that there is a Hollywood production behind all this and it is that which I wish to inform you about. Mr. Westlake stated the reason why we are having these meetings and doing this particular work is because the State Constitution mandates it. Well, in your thinking at that point, become oriented at that point, then you've missed a great deal because behind that are some forces at work which are attempting in their insidious manner to spread us apart, split us up, to divide us and in turn to conquer us and I want to show you about this. Where did the information, Article 11, section 9 in the Constitution come from? That's the one which authorizes the Local Government Study Review councils. If you look at the literature you'll find identical words and statements coming from an organization which is an agency of Federal Government called the Advisory Commission on Inter-governmental Relations. This organization is a private agency, not accountable to Congress who sits back there figuring out how they can get State Government, Federal Government and local Governments to come to an agreement which they perpetrated in the beginning and that agreement has for it's whole single purpose, one world government. Now, if you go and look where this committee comes from I do not have the exact information--I did this study a year ago and I put it back and forgot about it until I got a phone call tonight and thats how come I got here but somebody in Congress in about 1955 decided they needed an agency to bring together the governmental problem, State, Local and Federal. In 1966, I believe is the year they passed public law 89733 which initiated this advisory council at the Federal Level. Now then, if you go and look and get their literature, you will find on the members of their Board, members of the Council on Foreign Relations. If you don't know what the Council on Foreign Realtions is--It's a David Rockefeller fellow designed-----

Someone in the Audience spoke out and said, "PLEASE KEEP TO THE POINT."

Vernon: So, you are taking what position?

Mr. Stone: So, I'm saying is what they're trying to do is get us to eliminate our present form of government all the way down the line and bring in anything---They don't really care what it is, and ultimately it will cause enough disruption and while they're doing that, they'll be taking away our dollars and taxes and things like that while we don't realize it, you see. There's one more thing---You've been reading in the Chronicle for the last 13 months about a group of people called, "The Order," and they've been prosecuted in Courts in Seattle and they've been, according  
(next page)

Warren Stone: (cont'd) to the publications a group of people that robs armored cars and banks and a few of these things and they're also alluded to be what's called the Aryan Christian Nation in Idaho. Well, these people are not "The Order." In the Council on Foreign Relations---

Two people from audience shouted, "OUT OF ORDER, OUT OF ORDER."

Mr. Stone: Well, it's sad that you don't know where this is coming from. That's all I wanted to point out to you.

Vernon: So, what do you recommend?

Mr. Stone: That we stay with our present form of government. It's adequate.

Vernon: Next---

I'm Sherman Janke. I'm a resident of Bozeman. I wish I could say that I had been in the State Legislature but courtesy of my friend, Norm Wallin, here, such is not the case. I will, however, in the course of my remarks make a slight allusion to Norm's remarks. I don't know if the Study Commission has in mind any mechanism for getting the sense of the assembly here regarding its preference of the various alternatives that might be suggested. Not knowing that, I would like to endorse some of the remarks that have been made by Dorothy Bradley, Ann Anderson, Joel Shouse, Ruth Mary Tonn and some others in favor of the Commission and hired Manager form of County government. It would seem that the idea of 5 Commissioners is likewise a good idea. Now one can say and it has been said that the present government has worked well for X number of years, 100 years or whatever. But, its been my experience and I suspect yours that not only is change constant, but in the modern society change is occurring at an ever increasing rate. It changes faster than it used to be, perhaps because we have more sophisticated means of communicating with one another. We can transfer information back and forth. Therefore, I would suggest we need to have in place a more responsive, a faster reacting, a more efficient form of County government before we are faced with ever more difficult decisions on the County level rather than after the fact, trying to make do with the form which may have worked well in the past but will not necessarily do so in the future. With that in mind I would simply like to reiterate, again, the idea that we should have a Commission-Manager form and the Commission should be elected on a district by district basis for 4 year terms--all of this looking toward being responsive enevitable change.

Vernon: Thank You-- Who's next?

Reed Howald, citizen of Gallatin County. There have been a lot of people here tonight saying they are for a Manager form and for the present and people feel very strongly. I don't know where I stand but I'd like my convictions clearly before the Commission.

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Reed Howald: (cont'd) We ought to discuss this, they ought to propose something so that it does get out and discussed in something in a larger form than this group. I would like it to be debated and voted on.

Vernon: Thank You. John?

John Bower: John Bower. I spent most of my career working for the University of Montana. My assignment was largely to travel the State of Montana working with groups of people, sometimes all men, sometimes all women, sometimes a mixture. The assignment was to help these people understand government, schools, cities, counties and State. My only comment this evening would be to urge this Study Commission to give the people of Gallatin County an opportunity to express themselves. Whether they want a change or whether they don't. We live in a democracy. I would like to see democracy given an opportunity to function. I have a lot of faith in people to understand and take appropriate action for their best interest. I was very much impressed in working around the State of Montana in the intelligence, the ability in the interest of people in their government at all levels.

Vernon: Thank you, John. Who's next?

I'm Ivan Martin, born and raised here in Gallatin County, lived here all my life and I've heard all these people talking about the different forms of government and this Manager type government scares me to death. You take a look at your city government. The people that they bring in here to run them are people from out of the State and don't know one thing about the State of Montana. I think if we're going to have someone run our county that it should be someone from our County and knows something about our State. Another thing I'm wondering is---Nobody says anything about where the money's coming from to hire these new people. Everytime you come up before them they say they're out of money. Well, if they're out of money, how are we going to hire some more people to run our government for us. I don't know. Myself, I'm in favor of staying with the form of government that we have with the County Commission type government.

Vernon: Thank You, Ivan. Bill?

Bill Pentilla: I've been in this community for over 50 years. I've spent 28 years of them in the Fire Department in the Bozeman City government so I'm quite familiar with the City-Manager form of government. Previous speakers prodded me to come up here. I wasn't going to say anything but it reminds me that in the 20's the City of Bozeman was seriously broke and the employees were cashing warrants at a 10% discount to get their pay. Then they changed over to a City Manager form of government and in 2 years time they were in the black and they have been in the black ever since. It's a cost effective form of government and if you're worried about where the money's going to come from it'll come from savings.

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Bill Pentilla: (cont'd) I would recommend or suggest to the Commission as some of the other previous people did and ask that you give this matter a chance for the people to discuss and vote on in the coming election.

Vernon: Thank You, Bill. Now, who's next? Morris?

Morris Jaffe: Morris Jaffe, I live here in Bozeman. John Bower took my words. One thing I would like to say about Commissioners appointing who they want. We do have much more opportunity to check this under our City Manager. He is open all the time every day. He is absolutely accountable and he is responsible. I think the County can be compared to a corporation and the citizens of the County as stockholders. The corporation has a Board of Directors who establish policy and find out where the money is going. They then appoint an official manager and he is responsible for the running of that corporation. I'm obviously for the Commission-Manager form of government. I want this question--I want the Commission to put this on the ballot. It costs nothing. As a citizen of Gallatin County, I want everyone in this County to have the right to accept or reject a change in County government. I, therefore, urge the Study Commission to put it up to the voters of the County and let them decide.

Vernon: Whose next? Brad?

Brad Johnson: Brad Johnson, resident of Bozeman I want to simply suggest to this Study Commission the fact that I hereby deal in absolutes on one end of the spectrum or the other. I would be the first to suggest to this Commission that there is room for improvement in this government and hopefully in any government. My question to you is, Is it necessary to take a quantum (?) leap from elected government to appointed government before we find out whether or not some of the interim changes can in fact allow us to realize the increased efficiency and accountability in all of us as residents of this County Seat. I agree that we should seriously consider the single member districts and I think that the concept of a 4 year term instead of a 6 year term is very possible. I would like to see us look at those but to suggest that we have to abandon the electoral process with the majority of offices in this County government. In order to realize our responsiveness and affectiveness I think is wrong. I think Representative Wallin hit the nail on the head when he suggested it is not so much the fault of government as it is the people who are placed in those positions be they elected or hired and I feel frankly as a County employee that alot of the elected officials in this County have done an extraordinary job in putting in place the work staffs and have gone on to carry out their duties extremely well. The people of this County have been well served and I think can continue to be well served under a system of elective government.

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Brad Johnson: (cont'd) I just want to stress to you we ought not rush in to taking away from the people in this County every opportunity to express directly their collective will and wisdom and I would urge this Commission to look at those changes that would increase efficiency and increased accountability without changing the basic nature of our system. I would suggest that we look no further to support Representative Wallin's contention in regard to quality of the people versus quality of the system. In relatively recent history in the City of Bozeman the Manager form of government in the City of Bozeman, while it has functioned well in some areas it has also managed to bring us the spectre of 80% increase in water rates and was so accountable that 2 of the 3 incumbents in the last election were asked to go home.

Vernon: Thank you, Brad. Who would like to be next?

Frank Elliott: My name is Frank Elliott. I'm retired now but Dad homesteaded this Country and I still have a vast interest in the area, both rural and urban interests. Being raised on the farm I know what the farm is like. I've worked in the City, County, mostly Federal areas so I know of have seen a little bit of all of this and I have also worked as a maintenance engineer working on a---up to over 5 million dollar responsibilities with over 300 employees. Addressing part of this as you look at whether people are responsible when they are appointed. Anybody who wants to hold his job wants good subordinates. A Manager who wants to stay in Gallatin County--and who doesn't want to live here? We all want to live here. He or she undoubtedly would seek good subordinates to take care of these efficiencies that we need. I'm for the Manager form of government and I would like to ask one question. We've kicked dollars around and back and forth, does the group have a rough estimate of the difference in the cost between our present form of government and the Manager form at the top level?

Vernon: Not really--We have a list that one of our members obtained for us of the costs of the governments, City and County, around the State and that's as--to my knowledge, right now we really don't have a real comparison to what---well, we have the old budgets and the new budgets in this County but we don't have a comparison to any other form of government except around the State in some of the other areas. That's based strictly on a per capita tax cost---as you look that over--I believe Jim obtained this for us. I believe I'm relatively safe to say the highest cost per capitans in the State are the consolidated forms of government or your Manager form of governments by County or by City in Montana. That isn't true in every case.

Mike: There are no counties with this form.



Vernon: No, but the Consolidated form and Manager forms are per capita the highest cost, tax cost. That doesn't necessarily mean they're the highest cost operating government because of difference in tax levels. There's a difference in tax levies but by and large I think I'm safe in saying that in Montana the Consolidated forms and the Manager-Executive form are the highest cost based on tax per capita cost. O.K.???

Mike Ward: No

Vernon: Well, it's there. But I don't think we ought to----

Mike: You've taken it upon yourself to respond

Vernon: All right

Mike: There are no counties in the State of Montana with the exception of one with a Manager form and it's totally non-comparable. It's so small, it has very little population, we can not compare. What we can compare is the cost of the Commission form as it now exists as compared with the Commission-Manager form and it is about half for the Commission-Manager form.

Vernon: Which County is that?

Mike: Petroleum

Vernon: That has a total mill levy of 18.25 in comparison to Gallatin County. We have a mill levy of 74.05--Charter form in Deer Lodge, for instance, has a mill levy of 135.85, Charter in Silver-Bow has a mill levy of 155.35 and actually these are the figures in this type of comparison that we have but believe me, we will be investigating this to the limit because I think this is a very important consideration for the Committee.

John Bower: Could I speak to that, Vernon?

Vernon: I don't like to start a debate here. I think we still have quite a few people here who still want to make comments, truthfully. We'll come back if we have time. John?

My name is John Nehring. I'm a resident of Bozeman--have been for 6½ years. I'd like to address the issue which keeps cropping up about running the government as a business. I've been hearing this time and time again. I'm speaking for myself, nobody asked me to come up here and yet I think I represent a lot of people out here with a gut feeling that we've got a pretty good system of government the way it is now and the people, surprisingly enough, are almost all involved in business whether it's agriculture business, or business downtown. We'd think these people of all people would be interested in running County government more like a business. What I'm going to say is that County government isn't really a business.

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John Nehring: (cont'd) If it were a business we could do away with it and let business people take care of all the functions of government. Businesses could provide our roads, could provide our welfare system, could provide the things that County government does but we know that that isn't the way it works. These are what we call social goods in economist jargon. Now because we have these social goods, what the main function of any government is, is basically to redistribute dollars from one persons pocket to another persons pocket. I think that's what one of the big issues here is. It's not the question of administrative efficiency. To give Mr. Ward's figures which were published in the paper we're talking about roughly saving \$60,000 administratively, that's depending on what people are paid, etc. That's about 1 mill that we're talking about. I'd like to suggest that all it takes is one additional small program to more than eat up 1-2-3-4 or 5 mills. One of the things that characterizes County government or all counties in Montana is that County government has made fewer promises than any of the other types of government. I'd like to say that its also, therefore, had fewer chances to break fewer promises. My biases are coming through. I happen to like our County government system the way it is because I believe we do have a built-in bias in our present County government system to keep county government at the basics and that all the other types of government that we have, Federal, State, City and School districts have shown increasing capacity to grow. That has not been matched by County government. I would like to say that the arguments in favor of this are really pretty much secondary. I'd like to make one more point if I may, Sir. That's the idea of having this before the ballot. I'm as strong a believer as anybody in the democratic process and I believe that people should have some choices. I think Brad Johnson made a very good point that what we're looking at here is a very cataclysmic either-or type of choice with extreme ramifications. It's one thing to vote for one of a hundred legislators. They're going to get together and do a lot of horse trading along the way and make evolutionary changes, one thing to vote for even 1 of 3 County Commissioners. We're going to do the same thing on a smaller scale but it's another thing to put an issue on the ballot that involves a whole 180 degrees ? ? in some directions. As much as I like representative government and people having a choice I hope the Study Commission looks at the dangers of this either-or proposition. Thank You.

Vernon: Thank You, John. Who would like to be next? If no one we will ask Bill Black to come back and present his information for the record for the group here. Again, I want to thank you all for coming for those of you who are leaving but I guaranteed him an opportunity to get out his information.

(Many in the crowd left at this time (9:15 p.m.) Bill read from the new law book. He read an item in the back of the book then turned to the front to read some more. A separate sheet with his information will be on a separate page and attached to this transcript.)  
(turn page please)

Vernon: Bill, would you please let us have a copy of the code numbers? Now, is there any other comments or questions? John Wright?

My name is John Wright. I see most of the crowd left because they weren't interested in what Mr. Black had to say. Especially if it's related to what the real faults are instead of what they would like it to be. I think we're all interested enough here tonight to take time out to be here. I know I am. It's been said before that the form of government we have today has worked very well across the United States of America, the greatest nation on earth and at this late date with all the motions of Charter and regional Charter governments and metro and all the other types of County government that ultimately will lead to no representation at all. Us, as conservative Americans, or we wouldn't be living in Bozeman, Montana, to even begin to think about taking on the Charter form of government has to be almost silly. We have a State government that sold a bill of goods through an illegal presentation to get in a Charter government and through the good grace of our President, Ronald Reagan, under executive order, he killed the Federal Regions so now we don't have a regional Charter government. We've just got a Charter government, and for us to lock into this failing government that we have in Helena which is on the verge of bankruptcy whereas our County is very solvent, very good, in order and for us to join up with the City of Bozeman which is failing with this better form of government. The County people should look at this long and good because ultimately we will have individuals that very well could be sitting on the Commission right now that are looking to move into positions of appointees or what have you. Otherwise there's a good chance they wouldn't take the time to be where they are now. Most of us have got to get out here and make our way in the world and you bear that in mind what pops up after the 'coin is lifted' but for us to think about putting in a government without representation is probably the worst fault you can have. Our forefathers went to great great amount of effort, even giving their lives and all to give us a Constitutional form of government and for us to be so stupid to allow the creeping total bureaucracy of Charter form of government to move in on us at this time there's a lot to be desired in what our thinking and our thoughts are and the end results will be this---that the City of Bozeman and the State of Montana need exactly what we have here in the County. The last bit of our will, the last bit of our blood and the only way they can drain it out is to be able to dictate to us through a non-representing form of government.

Vernon: Jim Paugh, you indicated you'd like to make a comment.

Jim Paugh: I should stay seated, I have no business being up here but I guess I have a little different---there are a couple of things I'd like to add. We've talked about electing Representatives or Commissioners, or whatever, you want to call them from districts. I think that's something we ought to really think about a long time. I think if we have  
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Jim Paugh: (Cont'd) Commissioners they should represent the County so that anybody from the County who voted could be able to go up to them and say, "I voted for you. I want you to thus and so," that sort of thing. In talking about 5 Commissioners I would have to be opposed to that particularly if you have a Commission-Manager type government. Five Commissioners and a Manager means quite a few people to manipulate and fool around with things. I'd a lot rather see a smaller number of Commissioners, personally. I'm in favor of the present type of government as it exists with some modifications. There are some offices that probably should be appointed or done away with. That's about all I have to say.

Vernon: Thanks, Jim. Are there any other questions and comments at this time? Yes? Please state your name and talk close to the mike.

My name is Jack Cain. I, probably like Jim, I maybe shouldn't be up here but I have a couple of comments I'd like to get off my chest. Number one--I've been a mechanic most of my life and I've found out when a machine runs well that's when a person is smart enough to leave it alone and not monkey with it. Now, a case in point I might bring out--here a few years ago, our State government let a slogan out--"Twenty is a plenty." In other words they were going to reduce the offices or number of agencies to twenty. People in Montana just flocked to vote for it. It was an overwhelming vote. Ever since that vote our government has grown bigger and more costly, so my comment here tonight goes about like this. We've got a County Commission form of government that's served us well over the years. I would vote to retain it as it is. Don't monkey with the unknown, especially when you have such a form of government in Federal government as we have at the moment. Our Federal government is trying their very best to get solidarity, put it that way. They want control there. If you don't think so, then you haven't been in business. I have been in business over thirty years. I'm well satisfied with the County Commission form of Government. I don't like Dictatorship. I never have and if you change this government to a Commission with a Manager then you'll be asking for more money and the people that vote have less say. I can't think of anything--I could get into another area here but it would probably take too long. Stick with the present government. Be smart.

Vernon: Thank You, Jack. Anybody else want to make a comment? Yes, Maam?

My name is Shirley Luhrsen. The only reason I'm coming up here is because there have been so many men speaking and I really think we need a little more balance on the women's side of things. I would state the well known fact that Montana is a conservative State. One of the reasons as all of you know is simply because we are so diversified. Gallatin County is a very Conservative County because it has such a diverse regional, just geographically alone, it's extremely diverse

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Shirley Luhrsen: (cont'd) and this has tended to keep it conservative. There's an old joke, I've lived in a lot of places in Montana, and there's been a joke, I think we need one joke, and that is--That whenever people elect their County Commissioners they always try to elect at least one or two of them from the farthest part of the County so that they can get that road improved. I don't know really whether Gallatin County has used this system or not. By and large we have pretty good roads, I think we have a pretty good Commission. I've been raised under modern education. I realize that change is more or less inevitable. We've had alot of change in Gallatin County. We're going to keep on having change. All I ask for is that the system be put up to a vote, I would go along with the idea of November. That concludes my comments. Thank you.

Vernon: Thank you very much. Is there any body else at this time? If not, I would like to thank everybody. The Commission would like to thank everybody who took time to come here and comment and question and give us more information to comtemplate in our study. Thanks alot for coming and at this time I will adjourn the public hearing of the Gallatin County Study Commission.

Meeting adjourned at 9:45 P.M.

Those who signed the register at the Public Meeting, Jan. 9, 1986

Craig White  
Shirlie White  
Shirley L. Luhrsen  
Robert W. Luhrsen  
John E. Wright  
Margaret Brown  
Joy Nash  
Polly Petersen  
Kerry White  
Dena Farnsworth  
Jack Cain  
Grace Bates  
Margaret Smith  
K. J. Tiaht  
Paul E. Boylan  
Terry R. Johnson  
John W. Fisher  
A. B. Oviatt  
James E. Taplin  
Paul L. Brown  
Thomas T. Kramer  
Kris Henson  
Gerald Goldenstein  
Betty Rabel  
H. Rabel  
James Goehrung  
Ruth Lowis  
Carolyn Hartsog  
Garrett Cole  
Bernard Cole  
John Nehring  
Hayes I. Mante ???  
Don Brelsford  
M.A. Brekke  
Dale H. Davis  
A. L. Scharen  
Margaret Hileman  
Paul A. Peterson  
Ruth Metcalf  
John Metcalf  
Bill Black  
Einar Lindvig  
Jim Scollard  
Helen Johnson  
Mrs. W. A. Black  
Wendell Townsend  
Darwin W. Smith  
Doug Black  
Chris Tiaht  
Anne Banks

Names on Register, Cont'd

Patsy Johnson  
Barbara M. Oviatt  
Wanda Taplin  
I.V. Peterson???  
Anita Anderson  
Leroy Tinklenberg  
Joe Schwab  
Norm Wallin  
Erhardt Hehn  
Mildred Hehn  
Dorothy Bradley  
Alvin Goldenstein  
John C. Bower  
R. S. Lowis  
John M. Cok  
Harold J. Kimm  
Judy Rast  
Mary Ann Kelly  
Mardella Brock  
Bruce Brock  
Bill Pentilla  
Sonja Marchwick  
Edna Berg  
Minnie Paugh  
Brad Johnson  
Stan Rosenberg  
Dorothy Rosenberg  
Jo Anne Troxel  
Vern Troxel  
Elaine Howald  
Wally Hansen  
Mary Hansen  
Jane B. Hawks  
James T. Paugh  
Marlys Stannebein  
Helen Kerr  
Anne Fowler Anderson  
Richard W. Corne  
Reed Howald  
Jane Jelinski  
Ruthmary Tonn  
Joel Shouse  
Virgil Hanks  
Margaret Hausser  
Stephanie Becker  
W. H. Williams  
Bob Gemmel  
Ron Glock  
Pat Simmons  
Dick Krawiec



Those who signed the Register at the Public Meeting Jan. 9, 1986

Frank <sup>Elliott</sup> Elliott  
Walter Martel  
Stella Anacker  
Judy Mathre  
Wilbur Visser  
Margaret Kumlien  
Phyllis Wells  
Mike Wells  
Frances Senska  
Ellen Nehring  
Darla Joyner  
Sherm Janke  
Pete Ault  
Leo Schnell  
Judy Schnell  
Joann Elliott  
Earl R. Best  
Dorothy Eck  
Mary Lyn J (?)  
Morris Jaffe  
Jessie Wilber  
R. P. Myers, Jr.  
Gale Thompson  
Shirley Wise  
Ton Wise  
Lynn Prosn????  
Alan Wright  
Bob Hawks  
Joanne Jennings

The Study Commission:  
Jim Storey  
Vernon Westlake  
Mike Ward  
Barbara Paugh  
Elsie Townsend  
Marian Hollenback, Sec.

*Public Hearing  
Jan. 9, 1986*

COMMENTS

These are the comments that were written at the public meeting on January 9, 1986.

---

This issue should definitely be put on the ballot. We are no longer living in the horse and buggy days here.

The Commission of three, in my opinion, has not always acted in the best interest of the County.

I am a County resident.

Dorothy Rosenberg

As a committee I would hope that you would place the choice of government in the hands of the people. Either a vote for change or a vote of affirmation--We should always be able to choose.

Unsigned

I would like the opportunity of voting at the ballot box after thorough public consideration.

Mardella Brock

I believe we should have a proposal on the ballot to change to a Commission-Manager (and 5 commissioners should be considered) form of government or to retain our present form. The people who came to this meeting probably knew what they wanted--but the entire electorate should be given a chance to express their views.

Margaret Hileman

I believe strongly in Commission-Manager form of government as more accountable and more cost-wise efficient.

I also strongly recommend an increase to at least 5 commissioners. I would prefer at least 9.

The present impasse is ludicrous and should be impeachable.

Margaret A. Kumlien  
County Resident

Commissioner-Manager form--I'm in Favor  
5-Commissioners  
Staggered terms of 4 years by districts  
Appointed positions where expertise is necessary for qualified people. I.E. Assessor, treasurer, etc. rather than elected.

We need the check and balance of "volunteers"-elected officials--with the knowledge and experience by a hired manager who represent the voice of the electorate.

Voters should decide--put it on the ballot. Will save you money. Replacing the salaries of 3 fairly well paid commissioners would save \$\$ because a manager would not make the same salary of the present 3, besides the \$\$\$ saved in making cost effective/control decisions with studied/knowledgeable background.

Darla Joyner--1461 Tubb Rd.  
Belgrade, Mt.

I favor Commissioner-Manager government and urge current commission to place this question on the ballot and give County residents a choice.

M. Wells

I favor making County government more accountable and more efficient. I believe the following changes would be important to accomplish these objectives.

1. 4 year terms for commissioners
2. 5 commissioners elected by districts
3. Professional manager with department heads selected through a competitive application process.

Please recommend that the question be put before the voters and that a public education process take place during the months preceding the election.

I appreciate the many hours work the Study Commission has dedicated to its job. Thank You.

Phyllis Wells (?) spell

Put it on the ballot. Also, how about working up a "mock-up" of how much a Comm-Mgr. form of government would cost--especially if the Commissioners were only part-time employees.

Of course, I personally favor a larger number of commissioners and a manager like Mr. Wysocki

Jessie Wilber,  
Frances Senska

To Gallatin County Study Commission:

While I realize you have the option of recommending ONLY one option to the voters, this, then, being APPROVED, or DISAPPROVED at the next election. I wish you would consider the other alternative available.

Place ALL options on the Ballot and allow the Majority of the Voters to narrow the choice in the primary with final approval (selection) in the general Forms to be placed on the Ballot should include ALL presented in the slide show.

COMMISSION FORM  
COMMISSION EXECUTIVE  
COMMISSION MANAGER  
etc.

Please consider this request.

Ron R. Glock  
321 N. 17th

I am in favor of the 5 Commissioner-Manager form of government. At the very best, the study commission should give the voters an opportunity to vote on an alternative to the present form.

A.F. Scharen  
7200 S. 19th Rd.

Limit Commissioners to part time non-partisan 4 year terms!  
Eliminate most elected managers  
Use a County Manager, ( hired, professional) to run day-to-day business. Hire qualified department heads to supervise clerical employees.

The current government is absolutely unresponsive to current problems and needs of the county wide population. The technology and life styles, and the increasing urbanization DEMAND that we increase the professionalism of our local government units.

K. J. Tiaht  
201 E. Lincoln  
Bozeman, Mt.

Please, Please put the Manager-Commission form of government on the ballot to give the voters a chance to vote YES or NO. This system is working well in the City of Bozeman. Why wouldn't it work just as well for the County.

Sincerely,  
A.B. Oviatt

Give the people a choice. The Road office supervisor is not elected and represents us as well as elected officials. Do we really need all those elected officials--who don't make policy---

5 Commissioners would represent people better.  
not necessary single       ? district.

With 4 year staggered terms.

What will you do about surveyor?

Do we need a Supt. of Schools for 12 Country schools?

Unsigned

We recommend that the County Study Commission submit to the voters a choice between the present form of government and the Commission-Manager form. It is the charge of the Study Commission to consider the present system and alternative systems, and to help prepare the community for that decision. It is up to the voters to make the decision. (This view was expressed in the slide show and is of the essence of the issue)

Bob and Jane Hawks

I support the County-Manager form of Government. I am in favor of a voter's ballot for the change.

Earl R. Best

I would like to put this on the ballot. There is no more democratic and representative form of government than a democracy.

A democracy is the best form of government---it gives the people exactly the kind of government they deserve.

Virgil Hanks

Meeting interesting and informative

But, I feel we need a change to a manager and 5 Commissioners to provide efficiency of operation. The issue should be on the ballot for the people to make a choice. Mr. Nehring is essentially like a Federalist during the Revolution. The people can't decide--They are stupid or uneducated.

Stan Rosenberg  
4720 Itana Circle  
Bozeman, Montana

We favor putting on the ballot the choices of forms of County Government. The people should make the choice, not the current Commissioners or Study Commission.

We also favor the Commission-Manager form of government. It is more efficient and cost effective to have one "boss," who is professional, experienced and trained in managing a several million dollar budget and operation than having the current politically elected group of untrained "bosses." We also favor more commissioners with shorter, overlapping terms.

Pat Simmons  
R. F. Krawiec  
1103 Cherry Drive  
Bozeman, Montana

To: THE STUDY COMMISSION  
From: Morris Jaffe  
1211 S. Black

I urge you to trust the judgement and wisdom of the Voters (Norm Wallin and John Nehring notwithstanding) and put the question of the present system VS The Commission-Manager system on the ballot.

Morris Jaffe

Elected Manager.

Joann Troxel

1. I want a ballot choice on the form of government.
2. I personally favor Commissioner-Manager government

Minnie Paugh

I, Bruce W. Brock would like to see this on the Ballot.

Bruce W. Brock

I support placing the issue of "County government choice of form" on a ballot within the year.

Lynn P \_\_\_\_\_

Re: Change of County Government

As a city resident, I'm satisfied with the present form of County government. However, changes and improvements can be made such as shortening term of office and increasing number of Commissioners, if necessary, and reduce them to part-time employees to save ta payers' cost of operating their county government.

The public hearing conducted on 1-9-86 presented testimony in favor of change of form of county government mostly from City people, not county residents, who are either recent residents and have little or no businesses or endeavors which pay the bills, regardless of the form of government in place.

Walter Martel

To the Study Commission for possible changes in County Government.

The question was raised that a change would result in more efficient handling of Gallatin County affairs.

It seems would be well to state all areas where there is presently inefficient handling being done, and just what steps could or would be done to improve such proved inefficiency in the event of change.

I feel all areas of change should be known to be a definite improvement.

Thank You  
James Taplin  
221 W. Hayes  
Bozeman

James E. Taplin (continues)

I wish to be on record in favor of present form of Gallatin County Government with the possibility that 5 Commissioners should be considered, with 3 members from outside City limits and other 2 from Bozeman with that situation to be changed each year or every 2 years i.e. 3 from Bozeman and 2 from outside City limits.

(Mr. Taplin) mh

If 50% of the voters were satisfied with the current form (as shown in the election) it doesn't make sense to change the existing form drastically. Any form you propose couldn't please as large of constituency in my opinion. I feel that the current commission form would serve to be more responsive than a manager style. Part time Commissioners would not be as available to the public as full time and more full-time commissioners would be a burden to taxpayers. I would like to vote for my commissioners and not have to worry about being out of touch with them. I trust their views which are well exposed during elections. Please maintain existing form as it will continue to be more responsive than the Manager form.

J. Craig White

I am John Fisher, residing at 113 Sourdough Ridge R d.  
I was born in Montana and raised and educated in Bo eman  
and have resided her for the past 10 years.

Meanwhile I have resided in Virginia and Maryland and in  
8 foreign countries.

My experience and observation while living in the U.S.A. have  
convinced me that the advantages of the County Manager form  
of government outweigh the disadvantages when compared with  
alternative forms, including the current County Commission  
form.

In registering this opinion I commend the study group for  
the work it has done, but urge that the issue be placed on  
the next election ballot so that the voters may express their  
will.

(Public Meeting)  
Gallatin County Courthouse  
John W. Fisher

Gallatin County Study Commission Public Meeting- Jan. 9. 1986

The League of Women Voters of Bozeman supports a  
commission-manager form of county government with a five-  
member, part-time commission elected for overlapping four-  
year terms. The League favors partisan elections.

The majority of those voting in the county favored  
the study commission. Perhaps those citizens would like a  
choice about the kind of county government we have.

Marlys Stannebein  
President  
League of Women Voters

Don Brelsford handed some papers in to the Commission on  
the evening of January 9, 1986 and if anyone would like to  
review them please ask me to bring them to you.

Marian Hollenback



511 W. Spring Creek Drive  
Bozeman, Montana 59715

8 January 1985

County Government Study Commission  
Gallatin County Courthouse  
Bozeman, Montana 59715

Gentlepeople,

I am writing to you because your public hearing has been scheduled at the same time as the Bozeman City-County Planning Board meeting. Since I am a member of that Board I cannot attend the hearing, but would like to make a statement.

I would like to strongly support a change to the Commission-Manager form of government. My support of this change is based upon my belief that such a form is more appropriate for a county with complex management problems which extend past the expertise of citizens who are elected to the commission. Please do not misinterpret this statement. I believe that elected officials should set policy and reflect the best interests of the county. The problem is that a technically competent manager is needed to manage and coordinate the complex day to day activities of our expensive and technologically complex government. An example of the problems facing our government is the recent problem with conflict of interest regarding computer programs for the county. We see a continual perceived need to computerize operations and budgets, and yet the technology and procedures and oversight of such operations are quite complex for the uninitiated elected official. That is not to say that such officials are incapable of setting good policy, but it does point out that the details and coordination and oversight might best be done by an experienced manager.

I also feel that a 6 year term for a commissioner is too long. Not even the President of the United States enjoys such long tenure without reaffirmation by a vote of the people. A change in length of term is needed.

The cost of operation of government may actually be reduced by a commissioner-manager form of government. A manager should be able to increase the efficiency and coordination of the various offices in the interest of the best operation of the county. While the commissioners try to coordinate an efficient operation, I suspect that the political pressures make OPERATION more difficult than a somewhat more autocratic system. POLICY

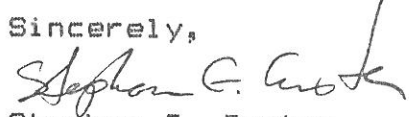
should still be set by the commissioners, but the execution could be done with the focus of a single individual. If the commissioners became part time, there might be some savings in a monetary sense which would not produce as much added expense with a manager. Overall, I believe the system would be less expensive.

I recognize that others may not agree with this point of view. As Ray White has said many times, "Let the people decide". The process of government review comes only infrequently. Many people will say, why go to the expense of a referendum. It seems to me that the cost of a referendum is small if amortized over the period of several years. Let the people speak.

I urge you to support the Commission-Manager form of government, but even if you don't I urge you to support a referendum to let the people decide.

Thank you for the opportunity to be heard.

Sincerely,

  
Stephan G. Custer



A P P E N D I X  
TO THE  
M I N O R I T Y R E P O R T

Submitted By

MIKE WARD

A P P E N D I X  
TO  
THE MINORITY REPORT

EXPLANATORY NOTE: This collection of material is a somewhat eclectic and miscellaneous assortment of material preserved by the Minority member during the course of the Study Commission's work. Several comments are in order:

1. The material is "organized" along chronological lines, in an effort to convey to the user how the whole thing developed. I regret that a few things are not precisely chronological, but with a little bit of effort the user can sort out the discrepancies satisfactorily.

2. This collection of materials is far from complete. It was pulled together after the Study Commission's work was essentially over, and represents things the Minority member thought were worth saving as we went along. Some future Study Commission, or Commissioner, might take note -- that systematic preservation of such material might well be undertaken from the very beginning.

3. I freely concede that this collection is largely self-serving. It represents those papers, clippings and documents that the Minority member considered worth saving as we went along. I may have neglected to save papers that were not supportive of my point of view -- although it will be seen that a substantial number of that very kind are among my collection.

4. In summary, take this Appendix with several grains of salt. Like salt, if ingested in moderation it won't hurt you, but take care to avoid regarding this Appendix as the "true story" of our work. It isn't -- but I think most of it is worth knowing about.

*Mike Ward*



1975-76  
Study Commission  
of 10 years ago

# County review to issue draft report on Monday

After voting down a proposal on reapportioning county districts, the Gallatin government study commission Tuesday set Monday as the date to release its draft report on alternative government.

The three-member commission is considering proposing the surveyor, the coroner and the public administrator be appointed posts, instead of the present practice of electing them.

The commission is charged with proposing an alternative form of government, and submitting it to the voters in November. Chairman Paul Dudley said the draft report on the alternatives must be ready by June 1.

Commissioners Dudley and Lyle Davis Tuesday voted down a motion by Commissioner Grace Bates that the proposal also include a re-apportionment plan for the county commission districts. She said the districts are out of proportion now, and the study group is charged with straightening them out before November.

Davis and Dudley disagreed, saying the commission was responsible only to provide a re-apportionment plan for the county. That plan would be essentially one that is slated for after the 1980 census.

The study commission also released a proposed ballot for alternative government which would give voters a chance to endorse their present form of county government, or choose the alternate. Sub-options within the present form are also offered, including a five-member commission, instead of the present three, six or four year terms, and electing or ap-

pointing the county auditor.

After releasing the draft report, the study commission is charged with holding a public hearing on the issue before issuing its final report.

Grace Bates is reportedly going to issue a minority report on alternative government which would differ from that approved by Davis and Dudley. The report would recommend, among other things, that the commission districts be reapportioned this year.

Her plan would split Bozeman into three districts, each of which would include a portion of the county. The commissioners are nominated from their districts and then run at large.

The county commission today acknowledged there were discrepancies in the three present districts, at least according to the 1970 census.

Commission Chairman Walter Sales indicated there was a discrepancy of as much as 8,000 voters between two of the three districts.

Commission George Sager, representing the area north and east of Bozeman, had the smallest number of voters, 7,951. Sales' district west of Bozeman, had 8,394 voters. Commissioner George Gillette's district, south and east of Bozeman, had the largest number with 15,700 voters.

Sales said the figures are only estimates, using the 1970 census, and added the voters at Montana State University. He said previously MSU students were not counted as voters, which would explain the largest number of electors in Gillette's district.

LEGACY

# How 'bout a choice

7/3/85

*This column contains opinions reprinted from past Chronicle editorials and columns that relate to topics of current interest.*

Government study commissions (committees) are approaching the time when they must develop and present for public discussion and ultimately a vote on proposals offering an alternate form of government — at the city and county levels.

The 1972 Montana Constitution provides for this opportunity to change the existing form of city and county government if the voters so desire. Not only that, but every 10 years thereafter the opportunity for change is to be made available to voters.....

We believe it is the obligation of

the county government study commission to offer something in the way of an alternate, more than mere warning over the present system. Adding two more commissioners, possibly shortening the commissioner terms and maybe dropping one or two elected offices, whose duties are solely administrative, doesn't appear to offer much of a choice for a change in government.

It is not the option of the study commission to decide that the county commissioner form is the best and offer nothing else....

Voters might not buy a change, but we believe it to be the intent of the state constitution to give them a choice.

— From a Chronicle editorial March 28, 1976

# County's overhaul plan draws some criticism

The first public hearing on the county study commission's government overhaul plan drew some criticism Thursday from a small crowd.

The hearing, one of four scheduled in Bozeman and two other towns in the county, airs the tentative plan for minor revisions in the present county government organization.

A second hearing was held Thursday night in Bozeman.

Other hearings are scheduled tonight in the Manhattan Community Room at 8, and Tuesday in the West Yellowstone Convention Center at 7:30 p.m.

The review commission is proposing placing the coroner, the public administrator, and the surveyor under the county commission to be either elected or appointed. The positions are now appointed. Also proposed are options for three or five county commissioners, four or six-year terms for the commissioners, and having the auditor under the commission option of an elective or appointive office.

June Heath read a report by the League of Women Voters, calling the present county government not accessible, responsible, accountable or efficient.

The report questioned the need for the present full-time commission, since "it is difficult to know what is going on without a constant vigil at the courthouse."

The league also supports the commission manager form of government with a part-time five member county commission.

Other recommendations included continuing the sheriff and county attorney posts as they are now; changing the clerk and

recorder, assessor, coroner, and public administrator to appointive posts and placing the financial functions under a single administrator.

The league recommends replacing the treasurer with a finance director, and replacing the auditor with a certified public accountant hired on bid.

The league also asked that the county school superintendent and the clerk of the court be selected by standards set by the commission.

McKinley Anderson, a Bozeman attorney, recommended the public administrator's post either be appointed by the court, or having the office remain as it is now — elected. He said keeping the office away from the county commission would help the administrator resist political pressures when dealing with unclaimed estates.

He also cautioned the study commission on appointive offices. "I don't believe in government by appointment. The ballot box is the best protection we have," he said.

Re-appointing the commission districts before the April election was also recommended by Anderson. He called the present districting disproportionate which, "disfranchises citizens."

The study commission voted to hold off on reapportionment until 1980 when the next one is required by law.

Study Commission Chairman Paul Dudley said most of the public reaction so far has been against the county manager form of government.

Monte Lockwood, Bozeman, said he was in favor of a part-time commission with a full-time county manager.



08/1/80

1/4/80 BG

# Shift in political mood bothers commissioner

By WILLIAM NELL  
Gazette Bozeman Bureau

**BOZEMAN** — In the last six years Gallatin County, which was once known as a "rural ultra-conservative" county has changed to a more urban profile with a "moderate to liberal" majority.

That's the opinion of George Sager, 63, who has seen the county evolve during his six-year term as county commissioner which ended last week.

The voters chose a young Democrat, Ruthmary Tonn, to fill Republican Sager's seat after he was narrowly defeated in the primaries.

The most significant change he's noticed from his perch on the top floor of the courthouse is the shift in the county's constituency, with agricultural interests taking a back seat to the growing number of urban dwellers in the county, Sager said. "Agriculture is being bumped out-and the election showed it," he said.

Sager, who calls himself a "true conservative," is a staunch supporter of private property rights and an ally of developers who locked horns with environmentalists throughout his term.

Subdivision and zoning problems, followed by social services are now the main focus of the commission, compared to roads and taxes when he first took office, he said.

During Sager's term county office space doubled and a computerized accounting system was installed. He is proud that the county budget kept pace with inflation by holding salary increases to seven percent.

Sager said the commissioners are not as busy as they were six years ago for two reasons; the public has lost confidence in the commission, and rural dwellers who usually rely on county government feel they've lost their input.

Sager said being a commissioner is a thankless job where "you're a target all the time."

Questioned about the effectiveness of the commission itself he said "the three commissioners don't put in fulltime."

Each commissioner is paid an annual salary of \$16,090 for the job.

Sager said he was naive when he first ran for public office six years ago, but experience has taught him to be pessimistic about what government can accomplish because of legal restrictions.

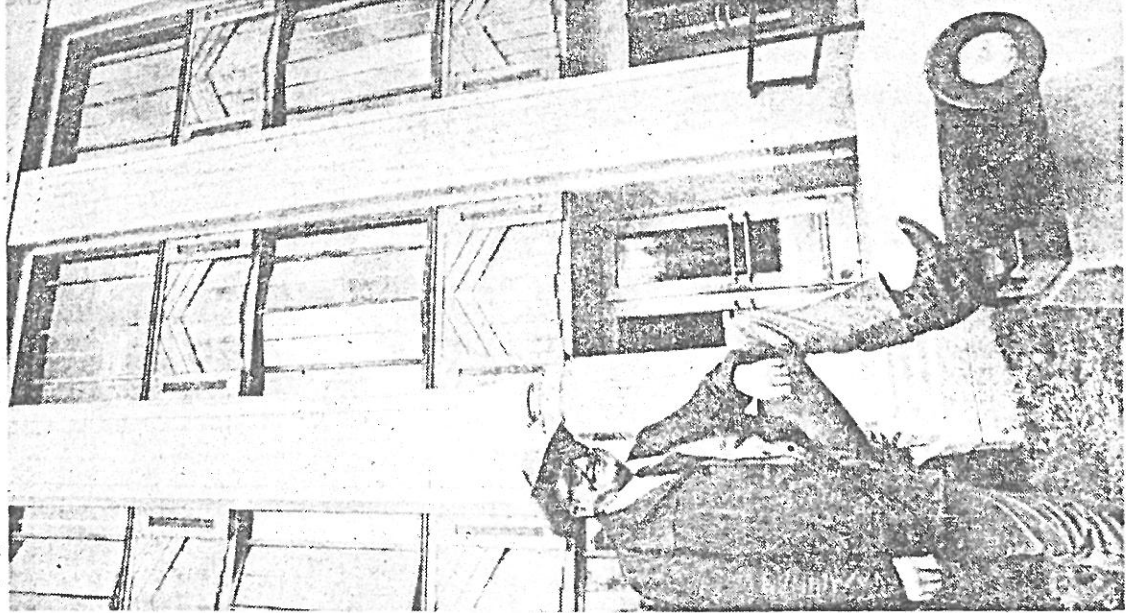
"I've been criticized for making snap judgements, but most bureaucrats prefer to prognosticate — its so easy to do in government."

Sager said he thinks Gallatin County will surpass Missoula County in population by the year 2000, which will add to the growing change in constituency.

"There'll be a change in the class of people and their desires," he predicted, adding that he believes ag interests are "no longer represented by a majority of the county commissioners. That's a sad state, because agricultural interests are still the largest taxpayers per capita."

"I don't like the way Gallatin County's headed. I don't like the trend of two women commissioners."

Gallatin County has been good to me and I hope I've paid my debt to the county by giving six years of my life," Sager said.



Gazette photo by William Nell

George Sager feels that agricultural interests are no longer represented by a commission majority

# County government lost in time

3/14/82 C

There's an old story in the Gallatin County Courthouse about the elected official who spent three hours roaming the halls and sticking her head in offices looking for an employee — only to be reminded that she had sent the employee home at 8:30 that morning.

That story should not be considered a verdict on how county government is run, but it is suggestive of how inefficient our system of county government is.

In an era of increasing complexity, computerization and modernization of government, our form of county government almost precludes the county from keeping up.

In a time of decreasing tax revenues, the county supports a payroll of personnel with static production potential and does not spend its scarce funds to hire employees capable of increasingly technical jobs.

And, at a time when the county is increasingly dependent on department heads at ease with modern technology, it is lucky if elected officials know the first thing about their jobs.

This dilemma has been increasingly apparent in some recent activity, or actually lack of it, at the courthouse.

For instance, around 15 months after starting work on the plan, the county still has not put a repurchase agreement — a means of investing previously non-interest bearing funds — into effect.

The loss to county taxpayers in interest that would have been earned probably exceeds half a million dollars.

It has already been reported that the county was late in getting tax money distributed to the cities to which it belongs. That cost the city of Bozeman alone was more than \$15,000 in interest it could have collected from investing in cash CDs in early to pay its bills.

Why did this occur? The major factor is that the burden of these activities fell on the county administrative assistant. That position, you will recall, was created to advise the County Commission and clerk and recorder on their functions, to run the county's computer operation and advise the treasurer on investments.

**Staff  
Corner**  
Karen Datko



In other words, the job was created to take care of all the things the elected officials don't know how to do but are supposed to do under the law.

The repurchase agreement, which is really the treasurer's responsibility, has been delayed because the administrative assistant and his one overworked computer programmer have been stuck with other jobs. One of those was the distribution of tax funds, which was delayed because the records of the treasurer's office weren't in ready shape to go into the computer. The administrative assistant's office had to clean them up.

Now that the distribution of tax dollars to their rightful owners has been accomplished, the administrative assistant has been tied up correcting mistakes the state made in the county's annual report. (The annual report comes under the province of the clerk and recorder.)

Meanwhile, the repurchase agreement was not even in rough draft form by last week, and the county was not earning the at least \$10,000 a month the county could make under the agreement.

The problem here is obvious. The county's records are being modernized, but the county is not.

Under the state laws governing Gallatin County's form of government, most elected officials don't have to meet any qualifications to get elected other than to win a popularity contest. The treasurer doesn't have to know how to balance a bank book let alone understand the complicated world of investments. The county auditor need not have audited Accounting 101.

(That doesn't even touch on the question of why the county elects and provides free space

to the county assessor, who is an employee of the state, or why the county must pay a county surveyor when anyone will agree the position is no longer necessary, or why the county superintendent of schools is elected and on a partisan basis.)

The law requires that these officials be paid, although it does not even require them to show up at work.

So the taxpayers pay for administration that by the peculiarities of the law, is prone to inefficiency, and the county has insufficient funds to pay specialized people to perform specialized work.

The same rule applies to the County Commission. Here taxpayers fork over more than \$60,000 a year for what they consider to be the top administration of the county. But nothing requires that the folks on the third floor know more about running the county than anyone else.

Despite so many campaign pledges of the past, the commissioners are not all that busy and spend much of their time visiting and passing complaints about bad roads onto the road department.

And, in the one area where the buck really stops at their door — budget — they have not followed through to make sure the county is making all the interest money it can.

(In this context, the commission's dire concern about their relatively small tax loss due to any urban renewal district appears absurd compared to the county's loss on the repurchase agreement.)

So, what is the taxpayer to do. There must be a better return for the tax dollar.

Change won't come easy. Witness the challenge to the charter form of government in Madison County, although the system seems to work well.

And, recall the rural protest when the commission decided to create the post office administrative assistant and put Ken Mosby in the job. The cry was that elected officials would lose their powers, when in fact no power was transferred at all.

The real trade is waste and delay for efficiency and productivity. But, that, of course is up for the voters to decide.

# BOZEMAN Daily Chronicle

May, 27, 1984  
Bozeman, Montana  
Volume 73 - Number 146  
50¢ Sunday

## Voters to decide if county government needs review

By KAREN DATKO  
Chronicle Staff Writer

Your \$10.7 million county government is being run by a former alcohol counselor and executive secretary, someone who used to sell steel buildings, and a past administrator of a small social service agency.

As county commissioners, they now earn a combined annual salary of \$67,395. Starting July 1, that combined salary will jump to \$69,603.

This unlikely combination is charged not only with setting the long-term policies and goals for the 42,865 residents of Gallatin County, but with assembling a budget equal to that of a large Montana business, and solving such encroaching problems as garbage disposal and deterioration of more than 100 miles of county road.

They also administer the government on a day-to-day

basis.

There are no qualifications for the job, other than being old enough to vote and a resident of the county.

As local rancher Lyle Davis said, "People don't necessarily elect capable people. They elect popular people."

So who has the background to handle the county's ever more complicated business?

That is a question epitomized by a ballot question before the voters June 5.

That question will ask every voter in the county, including those in the towns, whether the current form of government needs study and whether a study commission should be elected in November to do it.

The same question will also appear about city government in Gallatin County's five incorporated towns.

The present form of county government, the commission form, is considered the most inadequate of

any available to Montanans.

There are those who think the county's form of government, the most common in Montana, is in need of review.

Russ Sime, a local farmer, said last week a study commission should be elected to consider whether the commission and a hired professional county manager, one of the other options available under law.

"I think the county commissioners should be policy makers rather than getting themselves involved in the day-to-day workings of county government," Sime said.

"If they were to adhere to strictly policy, they could probably get a lot more done and not have to be full-time county commissioners," he added.

Sime said the county should have a hired professional manager, "where you can fire him," rather than an elected one.

He attached one condition to his support for election of a study commission. Agriculture must be represented, he said. "I wouldn't support it if they weren't."

The opportunity for periodic local government review is mandated by the state constitution adopted in 1972. Review was mandatory in 1974 and is now a ballot option every 10 years.

If voters opt for review and elect study commissions in the general election, the commissioners, who are not paid, will have up to two years to complete the job. The local government under study must give a commission the equivalent of at least 1 mill of property tax each year of the study and can levy 1 mill each year to raise the money.

What do they study? The basic question is whether the current form of city or county government is adequate to resolve present and future problems.

See REVIEW, page 2



## Review / from page 1

They can decide whether changes in the current form or other forms available under state law would make government better.

For instance, would city councilmen elected by wards, as is done in Belgrade, or at-large election of commissioners, as in Bozeman, work better for a particular city?

Should county officers be appointed based upon qualifications rather than elected?

The options are many, or the study commission can decide that the current system is best.

If it proposes any changes, they have to be approved by the voters to take effect.

Many hefty if dry issues are at stake. And the whole question has drawn little, if no, public interest.

"There's been (no interest), and I'm very surprised," said Jane Jelinski, a recently appointed county commissioner who supports election of a study commission.

"Nobody knows it's coming up," said Judy Mathre, a Bozeman city commissioner who served on Bozeman's study commission in 1974.

Mathre said she suspects that because Bozeman voters considered and rejected self-government last year, "I kind of think people don't want to deal with that again."

Self-government or home rule is another option for change in local government.

County government hasn't been looked at since a study commission served in 1974. Little change was recommended by two of the three members and none was approved by the voters.

A third member, Grace Bates, resigned from the commission because she felt her two male colleagues weren't willing to consider the more extensive changes she favored.

Lyle Davis was one of those two male members.

"At that time, I could have accepted a five-man (county) commission and I could still accept that," he said.

Davis said he was opposed to a charter, under which local officials can be given authority that exceeds that given to them by the state.

"If you have a charter, you're vulnerable to weak leadership," Davis said last week.

With a charter, he maintained, direction from the state is limited. Combine that with weak leadership, he added, and "you're in trouble."

"We haven't had very strong county commissioners in the last few years."

Davis now says he can accept a five-member, part-time commission and a hired professional administrator.

He could support appointment, rather than election, of a full-time administrator, since people elect on the basis of popularity rather than capability, Davis said.

The County Commission three years ago recognized the need for some professional help when it created the position of county administrative assistant.

Ken Mosby, a former elected county auditor, has held the position since its creation. The position, which pays \$30,332 this year, is not like a county manager because it has no inherent powers over administration.

Mosby's primary functions are purchasing, computers, finance "and anything else they (the commissioners) deem necessary to drop on my desk," he said.

Mosby hasn't decided whether the county would be better off with a professional manager. While a commission-manager form of government has its attractions, he said, it is incompatible with the practice of electing heads of the various county offices, he said.

For a county manager to have true authority over all county administration, the officers, such as treasurer and clerk and recorder, would have to be appointed rather than elected, he said.

"If you're going to give some guy responsibility, you have to give him the authority," Mosby said.

Hiring a county manager would not be a guarantee that the county would be better run, he added. "No matter what the form of government, it's only as good as the people in it."

Jelinski, who is seeking election in November to two years left on the six-year term of a commissioner who resigned, said a study commission should

be elected and consider the county manager option.

While elected people are needed to decide policy, she said, the technical work needs to be done by people with expertise. Right now, she said, the county is blessed with good staff people.

While the study would cost money — 1 mill equals \$56,000 in the county — improvements could save taxpayers more in the long run, she said.

Jelinski, former director of the Gallatin Advocacy Program, also said she thinks a six-year county commission term is too long. A study commission could recommend a reduction to four years.

"You lack accountability with six years because people don't remember six years ago what happened," she said.

Both Commissioner Wilbur Visser, a former businessman, and Commissioner Joy Nash, whose background includes alcohol counseling, said they haven't given much thought to whether a study commission is needed. Visser said he was concerned about the expense.

A pamphlet published by the Cooperative Extension Service in 1975 on Montana's forms of local government says the current form of county government is the most criticized in the United States and says why:

"Its inherent weaknesses — attributable to the lack of a single executive — are: little policy leadership, poor administrative coordination, poor official accountability to citizens, and high likelihood of narrow administrative empires.

"The traditional county commissioner form with its long line of row offices also is viewed as too inefficient and expensive because its large number of elected officials often operate autonomously of each other and lack clear cut distinction in their duties."

The pamphlet said the criticism is based on the function of that form of government in more urban counties with growing demands for services and expanding functions. In rural counties, where a county commission functions mostly as an "administrative arm" of the state, the commission form might be good because elected officials are known people and their administration is informal and familiar.

Billings Gazette 6/2/84 BC

# Study supports push for county overhaul

By ROBIN BULLMAN  
Of The Gazette Staff

Yellowstone County spends about \$125,000 more a year in administrative salaries than the city of Billings, according to a member of last year's Greater Billings Management Task Force.

And he says the county could close that gap if voters opted for a new form of government.

Jim Moore, who coordinated the task force's review of administrative functions, said in an interview Friday that the county outspends the city even though Billings has one-third more employees and a budget that is twice as large as the county's.

"You have to conclude the city is more efficient in management than the county," he said.

But he said county department heads should not shoulder the blame for their government's inefficiency.

The culprit, he said, is the structure of the government as outlined by state law.

Yellowstone County government has 26 departments run by three commissioners and 10 elected officials, each of whom have a deputy. Commissioners approve the budgets of the elected department heads, but have no real authority other than that.

"We are paying a lot for this structure," he said. The problem, he said, is "too many chiefs" and "too many sub-chiefs."

To illustrate his point, Moore has compared the salaries of administrative positions in the county with their counterparts in city government.

The results show that Yellowstone County spends \$662,200 a year in administrative salaries, while the

city spends \$536,250. The difference is \$125,950.

A county government structure as outlined by the task force would reduce administrative management costs by nearly one-third and improve operations at the same time, he said.

The task force recommended that only the county commissioners, county attorney and judges be elected. County department heads would be reduced to six.

And that's where the voters come in.

Over the past year, county commissioners have been implementing task force recommendations as best they can within the confines of the county's current structure of government, Moore said.

For example, the county has hired a finance director and is in the process of hiring a personnel director and an administrative officer — all task force recommendations.

The next step is a fundamental reorganization of county government, Moore said, something that can be achieved only if voters opt for local government review, then approve the forthcoming recommendation.

On the June 5 ballot, voters will be asked whether they are in favor of setting up local government study commissions to review their city and county governments. If voters say yes, study commissions will be elected in the November general election.

No later than Nov. 4, 1986, study commissioners will return to the voters with an alternate form of government. No changes will be made without voter approval.

Montana's constitution gives voters the opportunity for local government review and change only once every 10 years.

4 Sunday, May 27, 1984

Bozeman Chronicle

COI

# Review county system

County government in Montana has grown increasingly complex. Growth and its demands for new county services take special legal and financial knowledge.

Not all would-be county commissioners have that knowledge.

Gallatin County has an opportunity to study and change its present governmental structure. On June 5, voters will decide if they want to elect a citizen commission to review county government. If voters approve the commission in June, the commission would be chosen in the November general election.

Local government review is an innovation of the 1972 Montana Constitution, which required review of all local governments in 1974. Similar review is now optional 10 years later.

The change most often mentioned for Gallatin County is a county manager to relieve the present commission of day-to-day management duties. In theory, that would allow the commission to focus on policy.

An Extension Service pamphlet accurately describes the pitfalls of the commission system without a single executive: "The traditional county commission form ... is viewed as too inefficient and expensive because its large number of elected officials often operate autonomously of each other and lack clear cut distinction in their duties."

The true sense of service and accountability among elected commissioners is the strength of the present system. But we can advance to a system that offers those advantages and more — an elected commission that sets policy and hires professional management to carry it out.

Gallatin County could decide to change the structure of its government or could find that the existing structure works perfectly well. In either case, a critical review by a citizens' commission can only help.

Gallatin County should vote June 5 to establish a study commission.

# Letters to the Editor:

## A cheap shot WJ/SAC

I am responding to the front page article in Sunday's Chronicle regarding the county government review issue. It states that there are no qualifications for county commissioner and left a strong inference that that was fortunate for the people that presently serve as Gallatin County Commissioners. The chairman in particular is written off as a former alcohol counselor and executive secretary and later just as having a background in alcohol counseling. I am disappointed in your reporter for taking such a cheap shot.

I remember writing the news release when Mrs. Nash was appointed to the commission.

Her background included: teaching experience; executive secretary's experience in the governor's office; service as a state legislator; director of the alcohol program, which included budgets and office management in addition to counseling; employment at Big Sky; and her dedication and willingness to work long hours at whatever she did was well known in the community. The voters of Gallatin County subsequently validated her appointment by electing her to the County Commissioner's post.

State statutes set the major services that county government is to provide. The bare bones budgets of these departments will take the major portion of all monies available to the county in any given year. Let's not be intimidated by figures, such as \$10.7 million spent by the county government. A small part of that amount is discretionary money, i.e., may be spent as the commission chooses. The best qualifications a commissioner can have is some good old common sense and a real understanding of the people of Gallatin County and their needs and values.

And, really, could we finally lay to rest that old canard perpetuated by some of the good old boys that there is some kind of mystical knowledge about bridges and roads that only a man can fathom? Gallatin County employs a very competent crew in the road office, who are paid to provide that expertise. I've noticed over the years that commissioners who could balance the overall needs of the county were more effective than those who tried to interfere in the day-to-day work of a specialized department.

Anyway, the choice for voters should be easy on this issue. Has the manager form of government, as used at City Hall, provided better services in a fiscally sound manner over the years or has the commissioner form of government used by the county been more effective?

Elizabeth Wheeler  
Bozeman

## Intrusion from left

Do you ever wonder why the leftward liberals and radicals are so tenacious and clamorous in their sanctimonious crusade for "open meetings" in all branches of government? Not because they got this peculiarly intrusive concept imbedded in the "new" Montana Constitution (which was a special triumph for the leftward movement). Nor was it because the liberal conscience is so magnanimously obsessed with the public's "right to know." Nor even because they're really interested.

Know why? Simply because they have been unable to infiltrate our government process openly at the ballot box, and being a very aggressive minority, they had to improvise another way. This is why they tirelessly agitate for "open meetings." (Occasionally, some of the more devoted partisans are appointed to vacated government positions and there's always the hazard they'll be elected as an incumbent.)

They know very well that Mr./Ms. Average Citizen will seldom, if ever, attend "open meetings" (unless on TV), and never interfere with their government. (Have you ever participated in one of these stirring affairs?) But their activist cells will unfailingly have someone there to look over the government's shoulder, to kibitz and always make their oppressive, coercive presence felt in insidious ways. (They undoubtedly have orientation courses to instill and practice appropriate techniques for these sly intrusions.)

Admittedly, there must be reasonable access to general government deliberations, open to responsible persons and especially the press. But indiscriminately to throw such government bodies open to invasion by subversive minds is like putting a cat in an aviary, with the admonition, "Now, take good care of the birds."

E.L. Bogart  
Bozeman



*Bozeman Daily Chronicle Sunday, May 5, 1985*

# Former commissioners differ on county needs

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

Gallatin County Commissioners go through an average of two years of on-the-job training at taxpayer expense before they become effective in their jobs, according to former commissioners.

Five former county commissioners were interviewed last week by the county local government study commission.

The study commission was elected to review present county government and recommend to voters improvements that might be made.

Each of the former commissioners said that the job was a good and unique experience, but that it took an average of two years to learn the ropes.

"The first year you vote yes or no, but you don't know what's going on," former Commissioner John Buttelman said. "By the third year, you've got your feet on the ground."

The county's elected commissioners come from all walks of life, and are required to have no special training or qualifications to run the county. The commission's present function is to set policy as well as manage county government.

Former Commissioners George Sager and Buttelman told the study group that the commission would function better if it returned to the old, informal ways. Both said that all it took to run the county was "good, common sense."

Buttelman said missed the days when people used to come to the commissioners to "find out where to fish or where to buy a piece of land."

But former Commissioners Ruthmary Tonn and Walter Sales said they think the county might function better with a professional manager at the top and professionals hired for other county offices. That would be instead of elected people who sometimes have no particular qualifications.

Both commented that the county had been exceptionally lucky in having qualified people in most of the county's elected offices. If county department heads were hired instead of elected, it was

mentioned during more than one interview, many of the same department heads would probably be hired back by the commission.

Sager said the commission did a better job before each had his or her own office. "We all sat in one room and saw all of them all at once." The individual offices "defeated the purpose of the commission form of government," he said.

However, former Commissioner Joy Nash said that Buttelman and Sager did not communicate well with her when she became a commissioner. "The first four years, I learned to play hide and seek to try and find out what was going on," she said.

"It is very important that the three people communicate and cooperate and work as a team. There were some days that it was very difficult to get that across," Nash said. She said that she did not like to harp on the male-female issue, but said that when she worked with two men on the commission, they had not treated her as a partner.

"Three can be a crowd, but it needn't be that way," Nash said.

Buttelman said, "When I first came in, there were no (weekly) public meetings. We were very flexible and very free. I think we've lost contact with the public. This right-to-know business has gone overboard."

Buttelman said he saw county government as a corporation with the commissioners serving as the board of directors and the voters as the stockholders. "The stockholders don't run the business," said. "We've lost our flexibility."

"People want privacy in their business — they can't say anything they don't want broadcasted all over." Buttelman said the commission used to have the freedom to negotiate privately and be spontaneous.

The Montana Constitution and state laws require that the deliberations of government bodies be open to the public.

While Buttelman complained that the commission had become too open, Nash said one of her biggest worries was that people were not taking advantage of it.

"Not too many people in the county come to the meetings. Public

apathy is very prevalent," she said. Sales mentioned the same problem.

Buttelman said he did not favor having professional people in county government.

Tonn said the opposite. "The present system is the most inefficient and the most expensive." Having a commission that both sets policy and tries to manage the county effectively too is "unrealistic," she said.

For the combined salaries of the commissioners — more than \$60,000 — she said the county could hire a good professional manager and elect a part-time commission to make decisions about policy, subdivisions, land use, and overall budgetary decisions.

All the former commissioners said they think that three commissioners in the present system is a good number and that the county commission races should or could be non-partisan. All but one of the former commissioners said they think the six-year term with the present system of government is the right length of time.

Former commissioners disagreed about whether commissioners should be elected to represent a specific part of the county.

The study commission reviews local government and may recommend keeping the existing government form or recommend making changes allowable under state law to better tailor local government to the community's present needs.

The allowable forms the study group can consider besides the existing "commission-chairman" form include:

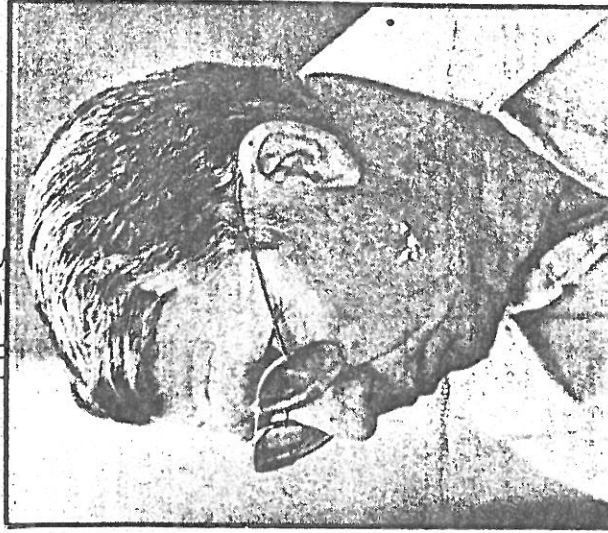
—Commission-executive form, which is similar to the present form of county government, except that the voters elect the chairman or head of the commission.

—Commission-manager form, which is like what the city of Bozeman has, with a manager hired by the commission to make administrative decisions.

—Commission form, in which commissioners appoint the heads of all departments.

—Charter form, in which local government adopts its own form of government providing for executive, legislative and administrative structure, with voter approval.

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Photos by Lynn Israel

All three of Gallatin County's commissioners, Jane Jelinski, Ray White and Wilbur Visser, from left, support the current form of government, but Jelinski sees a possible change in the future.

All three of Gallatin County's commissioners, Jane Jelinski, Ray White and Wilbur Visser, from left, support the current form of government, but Jelinski sees a possible change in the future.

# County government: Is it behind the times?

## Some say county should keep commission; others support a manager

Editor's note: This is the first of a series on Gallatin County government.

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

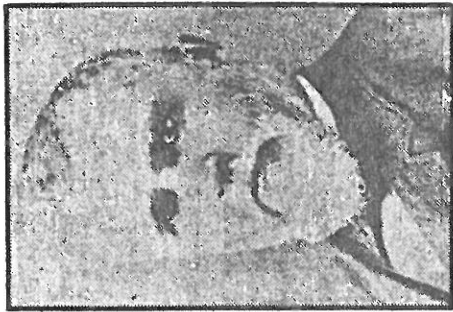
One hundred years ago in Gallatin County, three county commissioners met once a month, represented about 200 people, and lorded over a burgeoning budget of \$1,425.

Building the first dirt roads, bridges, public buildings and desks for the county officials were the worries of the day.

Today, the responsibilities facing the Gallatin County Commission make 1865 look like a picnic in Gardner Park. The county's 42,865 residents want commissioners to perform the miracle of the fishes and the loaves in managing their \$10 million budget.

They want well-built roads, hazardous waste plans, clean water and air, and land use planning. They want trained firefighters and sheriff's deputies to respond in record time to their emergencies. They want safe drinking water and garbage disposal, and immunized children. They want county money to earn high interest and not to be spent on lawsuits.

The first Gallatin County commissioners would not recognize their former domain. They'd be surprised to find a woman, Jane Jelinski, on the commission. The detention center electronic security system and



Photos courtesy of Merrill Burfigame

Some of the county's early commissioners included Perry W. McAdow, left, and C.W. Hoffman.

the countywide communications system problems would take some explaining.

But one recognizable relic remains. Three people, who have only to be county residents and 18 years or older, are still elected every six years to run the show. Is the commission form of government still working for Gallatin County?

Ask political scientists, local government study commission members, county government officials, and county residents and you'll get a garden variety of reasons for and

"your neighbor and mine."

"I believe in an elective form of government," Commissioner Ray White said. "Commissioners and department heads have to be responsive — they have to face the electorate. Maybe it isn't the most efficient, but I don't know of any form of government that's perfect."

White said the commission form was "more cumbersome and slower" than the city manager form, but the commission brings three points of view to each issue, discusses things and then must reach a consensus. "We think and talk things out before coming to a decision. It's more thorough and more open," White said.

One county employee qualified that point of view. "The county commission works pretty well if the county's business is done in public. Funny things happen when business is done in a room in the corner."

The only way the commission becomes accountable to the voters is when the voters know what they are doing, he said.

Elected and appointed department heads spoke on the condition that they not be identified because it is budget time and commissioners hold the purse strings.

With the present system, the voters do the hiring and firing every six years, a county employee said. Getting rid of a poor county manager is not quite so easy, he said, especially when people sue at

See COUNTY, page 2

# Study commission key to any change

Some members of Gallatin County's Local Government Study Commission admit that they brought their biases about whether county government is effective into the job.

However, those interviewed say they can do an objective job of evaluating present government. Gallatin County voters decided last June to review local government, and they elected representatives to a Local Government Study Commission in November to do the job.

However, at least three of those who won seats on the study commission — Vernon Westlake, Barbara Paugh and Jim Storey — had voted against studying local government — a vote of sorts to maintain the status quo.

"I went in with some preconceived notions that I was happy with the way things are going and I guess I haven't changed my mind," Paugh said.

Likewise, Mike Ward, who voted to have the local government study and also won a seat on the commission, had some opposite ideas — including a gut feeling that change might be needed.

"I voted to have the study commission, because after four years of watching county government I could see that I needed to

learn a lot more," said Ward. "I could see that it was not the best we could have. I thought we needed some or maybe extensive change." Ward attends almost every County Commission meeting.

Can the study commission members on either side do an objective study of county government? "I think so," Paugh said. "I know I sure try."

Ward was not so sure. He said that he suspected his fellow members who opposed local government study ran for the commission seats "to make sure nothing changed."

Ward said he wants to see the voters get a crack at local government. But the only way voters will get to make their wishes known is if the study commission recommends any change. If the commission recommends no change, nothing appears on the ballot for voters to decide.

Storey said the commission was having trouble getting a close look at the county manager form since it is practically non-existent in Montana. About 90 percent of Montana's counties have the county commission form, he said.

"I think we're all pretty content that we know how this form (the present commission form) operates," Storey said.



# County government: Commissioners serve up unpredictable policy



Photo by Lynn Israel  
Gallatin County Commissioners look over a document at a meeting last week. Commissioners are, from left to right: Wilbur Visser, Ray White and Jane Jelinski.

*Editor's note: This is the second and last in a series on Gallatin County's government.*

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

*"Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people."*

—Harry Emerson Fosdick

Gallatin County's new commission has been on the burner, simmering like some spicy stew, for about five months.

Commissioners Wilbur Visser, Ray White and Jane Jelinski have each lent the flavor of their personalities and beliefs, and the wishes of their constituents, to the job.

Who are these three commissioners and how are they working together?

Observers have noted that the two strongest commissioners, the outspoken Jelinski and White, are about as much alike as tomatoes and

turnips. And while White and Visser have some obvious similarities, the outcome when the pot is stirred can be unpredictable, as commissioner votes on different issues show.

White was elected to the six-year job in November as was Jelinski. But Jelinski had already been on the commission after she was appointed last summer to finish the unexpired term of former Commissioner Ruthmary Tonn.

Republicans White, 57, and Visser, 61, have similar backgrounds. Both natives of Gallatin County, they've both farmed and worked in agricultural businesses before coming to county government. They call themselves conservatives.

White has worked a ranch west of Bozeman that has been in his family since 1866, but lived in Bozeman for 20 years. He worked as a salesman for Darigold before he began working in the Gallatin County assessor's office 16 years ago.

Visser, who did not finish high school, began as a farm laborer. He

later farmed near Toston, where he raised wheat and barley, dairy cows and hogs. He later sold his farm and went first into the dairy equipment business and then the construction business. He was elected to the commission in 1982.

In contrast, is Democrat Jelinski, 43. She has lived and worked as a teacher in numerous cities. She was director of a social service agency before coming to the commission. She is working on her master's thesis on weekends and has a daughter and a son still at home.

Commission observers who thought the two Republican men would form a uniform and solid voting bloc should take a closer look at the White factor. His vote can be unpredictable and doesn't always follow a party line.

White said it is because of his personal "philosophies."  
"I have philosophies about things, and boy, I believe in them. Some agree and some don't," he said. "I

don't care how anyone else votes." A good example was White's recent vote on the electronic poker machine local tax issue. White has been an advocate on other issues of lower taxes and less government, and one might think his conservative leanings would find him generally friendly to small business.

But White proposed levying — \$1,000, the maximum allowable — on the poker machines, which would have been the highest tax in the county. He and Jelinski, who proposed a \$500 fee, eventually compromised at \$750.

White said his decision had to do with his philosophies, but declined to discuss for the record whether he had any personal feelings about the machines or gambling.

White also, though he doesn't favor a county-wide plan, has taken some strong pro-planning stances with individuals coming before the commission for subdivision review

See COUNTY, page 2

*County*

or exemptions claimed on certificates of survey.

County department heads and employees, who spoke about the strengths and weaknesses of their bosses, asked not to be identified since they are in the process of coming before the commissioners with their budgets.

One long-time department head was critical of White's quirks. "Ray is so opinionated that he doesn't have to get the facts."

But White denies that he ever has his mind made up about something before it is discussed. "I've always been able to go into a meeting with a wide-open mind," he said.

Visser has taken some heat for following White. His decision to vote with White against a dog ordinance he had formerly supported particularly irked some county residents.

"Wilbur has some good instincts that occasionally show through," one avid commission watcher said.

"But since Ray has joined the commission, he has influenced Wilbur."

Chairman Visser, however, said he makes independent decisions, and sees himself as a moderator between Jelinski and White. "I try to get a consensus between the two," he said. "I think it is my job to serve all of the people of the county of any party. We all live on the same roads and we are all entitled to what is best."

One of White's and Visser's main themes is "saving the taxpayer money." But some commission watchers questioned the consistency of their efforts.

One bone of contention was the commissioners decision to purchase a new \$14,000 van in February. White and Visser later denied county Human Services director Jackie Stonnell her request for the use of the van, saying that it was intended only for the use of the commissioners.

Though Stonnell refused to comment on the denial, another county department head said, "I strongly disagree with the commissioners using their authority to purchase the van in the middle of the budget

year." He also criticized the decision not to allow its use by other departments.

The appointment of Don Brelsford by White and Visser as county surveyor, which will require the county to pay for any surveying or civil engineering also caused some debate among county residents.

White and Visser, however, say that Brelsford, a chemical engineer, has other skills that can save the county a great deal of money. Visser said Brelsford will put county road equipment on a computer so that the county can trade out the equipment before it begins to depreciate greatly or break down regularly.

Brelsford's appointment also means he could sit on the Bridger Canyon Planning and Zoning Commission which will decide whether a controversial oil well can be drilled in Bridger Canyon.

Brelsford, a canyon resident, has leased his land to the oil company, sparking protests that Brelsford has an obvious conflict of interest in the case. Jelinski voted against Brelsford's appointment.

If White and Visser are criticized for ganging up on Jelinski, Jelinski was taken to task for not fighting back.

"She goes to excessive lengths to accommodate and keep things on a cooperative level," said Mike Ward. "She is uncomfortable voting against them (Visser and White), but she should vote her conscience and good sense. It will look a lot better in the long run."

"Cooperation might look good in a legislative body, but it is different in a three-member commission," Ward said. Ward comes to almost every county commission meeting.

But four department heads commented that Jelinski "does her

"Jane is a worker," one department head said. "She goes out and really discovers what a problem is before trying to solve it. It makes her one of the best commissioners I've ever worked with."

The commission is still establishing its working rapport, a department head noted. "This commission is a little more unique than some. There is a wealth of knowledge that can be drawn on and a good variation in their backgrounds."

However, that person said the backgrounds of Visser and White could be responsible for Jelinski being left out of "some important discussions" on commission issues. "I think they could improve on that."

Visser did not agree, and said that Jelinski is included in all discussions. Jelinski said commissioners are just getting to the point where they can set priorities and make plans rather than simply react to problems facing the county.

"We are scheduling our work times better so that we can get together instead of going three different directions," she said.

"I think it is an outspoken commission," White said. "You always know what the other person thinks and feels. We have some good discussions." Commissioners never get so angry that they cannot speak with one another, he said.

All three commissioners said they find discussion and disagreement stimulating and essential to the process. "It would be a disaster to have three commissioners that think alike," Jelinski said.

One county employee said he would reserve judgment on the profile of the present commission until July 1, when the county's new budget comes together.

The proof of who they are and how they work together will be in



## County study commission worthwhile

Because we can step into the voting booth and put an "X" next to a name, our system of government endures. We can throw the rascals out or vote the good guys in whenever the need arises.

Built-in instruments of change — such as elections — keep our democratic institutions constantly strong and responsive.

A uniquely Montanan instrument of change is the local government review process first outlined by the new constitution that our friends and neighbors passed in 1972. If approved by voters, local government study commissions investigate the structure of city and county governments and recommend changes to improve those governments.

Gallatin County has installed a study commission. And despite the skeptics who say its work is a waste of time, the Gallatin County Local Government Study Commission is worthwhile. Its work should be encouraged.

The need for the commission is questioned because:

—Many think Gallatin County is well run now.

—Study commission meetings have not attracted much public participation.

—Study commissioners are having trouble finding experts on alternative forms of government. Virtually every county in Montana has the same three-member commission form of government in use in Gallatin County.

—Although they voted for the study commission, county voters turned around and elected a study commission whose majority favors the present form of government.

If the present form of government is the best possible, so be it. But voters should at least have a chance to say so.

The study commission has only the obligation to study the present government critically, not to push an alternative on the voters.

Because of the nature of local government review, the present form of county government is bound to take a beating. That doesn't necessarily mean the present government is lousy, just that it is getting a hard look. Study commissioners' top priority is to investigate weaknesses in the present government and to suggest changes that will correct those weaknesses.

yes [ The study commission then has a duty to offer voters an alternative form of government. Alternatives range from the radical change of city-county consolidation to a modest change that might include a county manager form of government.

Radical change probably would generate more public interest and spirited discussion. But more modest changes probably hold more hope for serious consideration.

For example, dissolution of various city governments and consolidation with the county has little chance for approval. On the other hand, a proposal for a county manager hired by an elected commission may have benefits and a chance of passage.

Whatever the outcome, it is the process at this point that is important. We need to capitalize on instruments of change that allow us to fine-tune our public agencies.

So get to work, study commissioners. The county is counting on you to do a big job.

# Gallatin won't recoup school aid lost by error

By DENNIS SWIBOLD  
Chronicle Staff Writer

HELENA — Gallatin County won't be getting back \$350,000 in state school aid it lost by mistake in 1983.

By an overwhelming margin, the House Appropriations Committee this weekend voted to table a bill that would have required the state to pay Gallatin and four other counties \$387,600 for money they lost in misfiguring their share of state equalization aid.

The committee's reasoning was simple, said Rep. Dorothy Bradley, D-Bozeman, who argued in favor of

House Bill 668. "They felt we didn't have the money," she said.

Unless someone can convince 51 members of the House to allow the bill on the floor for debate today, it's as good as dead.

"We really expected it (the negative decision)," Yvonne Cutler, the Belgrade school clerk who first discovered the error, said today. Cutler said legislators had forewarned school officials that recouping the money wasn't going to be easy in a tight budget year.

"But as least we tried," she said. All House taxation and appropriations bills must be transmitted to the Senate by midnight tonight.

As of this morning, the bill's sponsor, Rep. Bob Ellerd, R-Bozeman, said he didn't think there would be enough time or support to "blast" the bill out of committee and bring it to the floor for a vote.

"We're sorry," Ellerd said. "We tried and we had a good hearing (in committee) but they just don't have the money."

Only three members of the committee voted against the motion to table the bills, Bradley and Reps. William "Red" Menahan, D-Anaconda, and Dennis Nathe, R-Redstone.

Gallatin County schools have lost at least \$1.2 million over the past 10

years through the same "mistake" that was discovered only last summer.

The \$350,000 loss was from the 1982-83 school year. Local school and county officials didn't even bother to try and get back money lost before then.

What the mistake means is that local taxpayers have been paying extra taxes.

Belgrade School Superintendent Harry Erickson said that although state officials have blamed the mistake on the county, the error in calculations should also have thrown up a red flag at the state level.

"They did owe it to us," Erickson

said today. "The money should have been paid back."

Erickson said the money lost over the years is now calculated to total \$1.7 million.

"We're obviously extremely disappointed (with the decision)," Bryan Dunn, assistant superintendent of the Bozeman Public Schools, said today. "It was money that I think rightly belongs to the people of Gallatin County."

County Superintendent of Schools Margaret Brown said she was sorry about the Legislature's decision, but had expected it due to the budget.

According to testimony in Helena, county and school officials had listed

the money as carryover funds when it should actually have been listed as expenditures.

When state education officials saw the budgets, they assumed local schools didn't need the extra equalization aid.

Local officials admitted the mistake, but argued they were entitled to the money even though the Legislature is facing a budget deficit of more than \$40 million.

Gallatin County was the biggest loser in the state although school and county officials in Madison, Carter, Daniels and Golden Valley Counties made the same mistake.

Madison County may have lost more than \$20,000.

-OK (phone)  
-OK (phone)  
-OK - phone  
- ?

Sept. 29th, 85

Dear Vern, Barbara, Jim and Elsie

A quick progress report on what I've done to publicize the phone survey.

Enclosed with this note is a draft of the Public Service Announcement I'll tape for all the radio stations that will run it. I propose to ask them to run it beginning on Sunday, October 6th, and spot it as many times a day as possible for a week or so. There's no assurance on that, however, since each station (if they'll run it at all) will do as they please with it. In any case, I'll give it a try and see what we can get.

Also attached is the draft of the paid advertisement I suggest we put in the Chronicle, the High Country and the TF Herald. Since both of the weeklys have a noon Monday deadline, it'll have to be OK'd and given to them next Monday, the 7th. I don't see any point in running it more than once in the weeklys. We might run it more than once in the Chronicle -- say next Sunday and the following Tuesday (the 6th and 8th).

Since we're running against a tight deadline, I'll need your approval to hit those target dates for everything. Please call me (587-8569) if you have heartburn about any of this. I have a telephone answering device if you don't catch me at home. Unless I get your input fairly promptly, I'll have to either go back to square one -- or press on with what you have in your hands.

I have also talked to Sam Richards of the High Country and Laurie LeMauviel of the Chronicle -- and both are interested in doing a story on the survey. Just when they'll publish something, and what it'd say, are -- as always -- up to them, but I'll try to nudge them to do it at or near the start of the survey.

This will all take a good deal of running around, and my schedule is full as a tick anyway. I'll check with Ken Mosby to find out the mechanics of billing the Study Commission for the ads. (They, by the way, will not be this large, or double spaced, etc., so I don't expect them to be very expensive -- perhaps about \$50.00 each, if that is OK with all of you.)

SO -- LET ME KNOW SOON. I'VE GOT TO GET CRACKIN' RIGHT AWAY -- OR MISS THE WINDOW OF OPPORTUNITY.

Cheers,

Mike

Mike Ward

Story - Laurie Le Mauviel interview - 8:30 AM Friday - do  
Kathy Scarrak - KBMN - PSA - 10:00 Thurs.  
Sam Richards - will call Thurs. Interviewed Fri, Oct 4  
Delivered tapes of PSAs to:  
KBMN - Boz  
KXXL - Boz  
KBOZ - Boz  
} asked each to run for 7-10 days beginning

PUBLIC SERVICE ANNOUNCEMENT

Hi -- I'm Mike Ward, one of the five members of your County Government Study Commission.

We're conducting a telephone survey of county residents this month -- to get your views on the kind of county government you want.

The Gallatin County budget is about \$15 million this year. ~~Those~~ <sup>A SUBURBANITE</sup> Those are your tax dollars -- whether you're a farmer, or rancher, or live in town.

We believe that your opinions are very important in our deliberations. So -- if you are called in this survey, we hope you'll cooperate. ~~It'll~~

*It'll* only take a few minutes of your time.

We're trying to improve our county government, by finding ways to make it more efficient and cost less. Remember -- it's your money we're trying to save.

Thanks for your help.

*50 seconds*

*Run on KBMN, KXXL, KBOZ + KCDQ  
from approx. Oct 7 to Oct 15 (Actual  
dates + number of times per day are  
entirely at stations' discretion.*

*(u)*

*Fall, 1985*

OFFICIAL NOTICE

ALL RESIDENTS OF GALLATIN COUNTY

The Gallatin County Government Study Commission will conduct a telephone survey in October. You may be one of those who are contacted.

We have been studying county government for nine months. Now we need to hear more about what others think. Our purpose is to get the views of residents in all parts of the county, including those in cities and towns, about our county government.

This will NOT be a "test" of your knowledge. We are interested in your opinions and preferences. You may know a lot or very little, but the fact remains that it is YOUR government, and it affects you every day in some way or another.

Our survey has been carefully prepared to get a representative cross-section of opinion. Trained operators will dial computer-chosen phone numbers. They will not know, or try to find out, the names of persons at the numbers called.

This survey will cover about 350 respondents -- enough to assure a high degree of validity. Sampling any larger number of persons would not increase accuracy enough to justify the additional cost.

We encourage your cooperation if your number is called. The sole purpose of this survey -- and of all our work -- is to assure that we have the best possible county government at the lowest possible cost. We believe that this modest project will help us to do that.

The Gallatin County Government Study Commission:

Vernon Westlake, Chairman  
Barbara Paugh, Vice Chair  
Jim Storey, Member

Elsie Townsend, Member  
Mike Ward, Member



# Survey to gauge satisfaction with county

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

If the Gallatin County Government Study Commission calls you on Oct. 9, or shortly after, the bad news is that you haven't won any free prizes. The good news is that they won't try to sell you something.

They want to know what you think about a few things, and commission member Mike Ward says that people might want to think a little about how they might respond.

The commission, voted into being in November 1984, provides for a group to study present government to keep it up with the times, in touch with the present day needs of

the people and cost efficient.

When the Gallatin County Government Study Commission finishes its study of county government, it will either make recommendations for change or recommend no changes. The matter is closed if no changes are suggested.

If changes are suggested, they will be placed on the ballot for voter approval or disapproval.

About 350 respondents will be randomly surveyed, with the help of Montana State University's political science department. The questions, asked anonymously, will inquire about satisfaction and preferences in regard to present government and other options.

The key issue, Ward says, is whether the study commission

should recommend staying with the present form of government or switching to a county manager-commissioner form.

Under the manager-commission type, a professional manager would be hired by commissioners to run all the county's departments or bureaucracy, and the five- or seven-member, part-time commission would stick with setting policy.

Ward says he is in the "distinct minority" on the study commission in favoring a change. Most of the commission supports the commissioner form.

Ward contends the commission form is better suited to an agricultural and more static county than Gallatin County now is.

Ward believes the commission

form of government, which puts three people in both the legislative and the executive positions, is outdated, inefficient, and "prone to managerial breakdown and abuse."

However, the majority of the study commission is inclined to recommend some more minor changes in the present form.

Ward said the commission has looked at switching all county elective positions (treasurer, auditor, clerk and recorder, etc.), except for the (district judges) and commissioners, from partisan to non-partisan positions; abolishing or consolidating the county surveyor post; consolidating the auditor and treasurer positions; and making the coroner's position part of the health department rather than an elective position.

## County government study group conducting citizen phone survey

HCIP  
OCT 16,  
'85

by Sam Richards

Do you have any views on how county government should be set up? If you do, you may get your chance to air them.

The five-member Gallatin County Local Government Study Commission will be conducting a phone survey of county residents to find out what kind of local government they prefer. The survey will start Oct. 9.

Study Commission Mike Ward said the survey will last as long as it takes to get 350 responses. This number, he said, is the minimum required for "statistical validity" of responses.

The main thrust of the survey, Ward said, is to determine whether people favor the current Commission form of county government, with other public officials being elected as well, or a Council/Manager form of government, with an elected commission and appointed manager.

Both Ward and Jim Storey, another member of the study commission, said survey results are crucial for them to make recommendations in their final report on the state of county government. The report is due in late 1986, but could be finished sooner than that, Ward said.

The calls will be made by a trained person with a prepared script of questions. Ward said calls will be made to all areas of Gallatin County; population centers will get a proportionately higher number of calls.

"It's not a test," Ward said. "We don't ask who we're calling. We don't want to know."

Storey and Ward said results of the survey will have substantial impact

on whether county voters will be able to choose a new government system. The 1973 State Legislature passed legislation giving voters that right.

The study commission could recommend in its report that a choice be presented to voters in the 1986 general election, or that the current system be retained.

Though he said most people in county government are quite capable, Ward admits he favors a change to the Commission/Manager form.

"I think it pins responsibility down," he said. "The present county government has 18 elected officials. All but four are elected on a partisan basis. But nobody's in charge. Other officials aren't accountable to the commission."

In the Commission/Manager government, Ward said, the commissioners are overseers of all other offices. "You know who to blame when things go wrong," he said. "In

the current government, you don't know who to blame."

Storey said he leans toward keeping the current commission system, but said he's got to have a lot more information either way before he reaches any conclusions. That's why he feels the phone survey is so important.

"It should give us some indication about which way people want to go," he said.

Storey said that before the commission's final report is submitted, two public hearings, a preliminary report, and a third public hearing are required on the matter.

The cities of Belgrade and Bozeman are currently working on their own unrelated local government studies. Studies recently completed in Three Forks, Manhattan and West Yellowstone all recommended keeping their present forms of government.

### Official Notice All Residents of Gallatin County

The Gallatin County Government Study Commission will conduct a telephone survey in October. You may be one of those who are contacted.

We have been studying county government for nine months. Now we need to hear more about what others think. Our purpose is to get the views of residents in all parts of the county, including those in cities and towns, about our county government.

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The Gallatin County Government Study Commission:

- Vernon Westlake, Chairman
- Barbara Paugh, Vice Chair
- Jim Storey, Member
- Elsie Townsend, Member
- Mike Ward, Member

*← This appeared in the Bozeman Daily Chronicle, High Country Independent, Three Forks Herald at Belgrade and Three Forks Herald in the week of Oct. 9, 1985*

# Commissioner raps local government survey

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

11/13/85  
BPC

its entirety.

Respondents to a survey about local government probably didn't know much about present county government and were not offered clear alternatives to it, says a member of a local government study commission.

The survey completed last week for the Gallatin County Local Government Study Commission showed about 75 percent of the 338 people responding were satisfied with the present county government.

Most study commission members agreed with the findings, saying county residents are happy with the present county commissioner form of government.

But Mike Ward, the sole urban member of the commission and lone supporter of the commission-manager form of government, said support for the status quo was due to ignorance and a lack of clear alternatives on the survey.

Ward believes the commission-manager form of government would be more efficient and economical, but said people surveyed by phone were not offered that alternative in

Ward charged that nine of the questions chopped up the main alternative — the commission-manager form of government — into so many pieces that it was unrecognizable.

Study Commission Chairman Vernon Westlake and commission member Barbara Paugh said they thought the survey results were predictable.

"Most people I know feel that the present form of government is functioning pretty well," Westlake said. "There were no major changes recommended, though some had some incidental concerns."

Paugh said effective people in an office make a government good, and that she thought people were not convinced that a change in county government would satisfy any greater number of people.

Study Commissioner Elsie Townsend said she is looking to the public meetings to get a clearer idea of what people want. Many responses to questions were almost evenly split.

"They don't know enough about what we have," she said. "The important thing is to get them

interested in studying their government. It could be that some changes could save some money."

Townsend said she is relying on the public meetings to reveal enough of countywide sentiment to help the commission decide what should be placed before voters on the 1986 ballot.

Public meetings will be held beginning in December, Westlake said.

After its study, the commission may recommend a change in the current form of government. If it does, any change would go to the voters.

If the commission decides no change is desirable, nothing goes on the ballot and it would be another 10 years before voters get another chance at change.

Each of the study commission members turned in about 25 questions, and then the commission voted on which ones to put in the survey.

The survey's support for the present county government does not mean that voters were rejecting an improved form of government, Ward said. It only means that they don't see county government as "so

intolerably bad that it must be changed," he said.

Close to 78 percent of those surveyed said elected county officials should be qualified or trained for their work. State statutes now require only that they be 18 years of age and American citizens.

The response on whether a professional manager was desirable found about 50 percent opposed, 40 percent in favor and 10 percent not sure. Asked about county-wide elections vs. election by district, 50 percent said they liked county-wide elections while 43.8 said they would rather elect commissioners by district. Slightly more than 6 percent said they didn't know.

Sixty-one percent of the respondents said commissioner terms, now six years, should be four years, and 65 percent said the duties of some county officials could be combined.

About 68 percent said they would rather vote for officials instead of having them appointed. Forty-nine percent said party affiliation should be on the ballot for county commissioners, while 37.9 percent disagreed and 13 percent didn't know.

Respondents also gave strong support to a county-wide law enforcement dispatching system.

## Survey shows most satisfied with county gov't

11/13/85 HCP

A phone survey of Gallatin County residents found almost 75 percent of people questioned are satisfied with the present three-commissioner form of county government.

Whether they were satisfied with the current system of government was one of 17 questions asked in the phone survey, sponsored by the Gallatin County Local Government Review Commission. It was conducted through the state Local Government Center at MSU.

The existing commission form of county government proved more popular than the commission-manager form, which features five commissioners and an appointed professional manager.

Respondents' phone numbers were randomly, in rough proportion to population concentration around the county. Three hundred and sixty calls to households netted 338 interviews on which the survey was based.

Other responses to the survey indicate:

\*About 40 percent of respondents favored the county hiring a professional manager as administrator for county government. Almost 50 percent opposed hiring a manager.

\*More than 65 percent of those polled favored combining the duties of some county officials. This would eliminate some county offices.

\*More than 60 percent of respondents thought county commissioners should serve four-year terms of office, rather than the six-year terms they now serve.

\*More than 82.5 percent of those polled said they favored creation of a countywide law enforcement dispatch system. County officials have been studying such a project for several months.

Review commission chairman Vern Westlake said the results are basically what he expected.

"Most people indicate they're pretty well satisfied with the system," he said. "If they thought something was wrong, we probably would have heard about it by now, anyway."

Almost half of those questioned would want to see most or all elected officials to list their political party affiliation on the ballot at election time. About 38 percent didn't want to see party affiliations listed; about 13 percent had no preference or didn't answer.

The survey was done to help the review commission get baseline data about what changes, if any, voters

want to see county government. The five-member review commission will make recommendations to the county commissioners before the 1986 fall elections about government changes that could appear to voters on the ballot.

Review Commission member Mike Ward said one flaw in the survey was that interviewer couldn't deviate from the prepared questions. As a result, Ward said, the responses may have been necessarily incomplete couldn't elaborate on basic answers to the questions.

Another flaw, he said, was that there were inconsistencies in the survey answers.

An example Ward gave: 78 percent

of respondents said they wanted county officials qualified, through training or experience, for their jobs. When respondents were asked if county government would be more effective if some currently elected officials were appointed instead, two thirds answered no.

Ward said the inconsistency here is that many elected officials need only a minimum of qualification, such as being of legal age and a citizen of the county.

Ward said the survey won't be the sole basis for whatever recommendations the review commission makes to the commissioners in 1986, but will help them get some idea of what the voters want.

## OUR OPINION

# Let voters choose

## *Study commissions' task is to offer voters alternatives*

**N**ow that all the various local government review study commissions are getting down to business, voters in some towns and cities may find themselves deciding whether a change in government is in order.

In Belgrade, for example, the study commission is planning to recommend a charter government which would allow it more power than under the current form of government.

However, that recommendation is not binding. It only means that Belgrade citizens would have a chance to vote on a change in government if they believe it is needed.

Bozeman and Gallatin County also have study commissions reviewing their forms of government. Those two boards seem to be leaning toward recommending no change in government.

Surveys indicate that county residents want to retain the current three-commissioner form of government, while Bozeman residents seem content with their commission/manager government.

If the Gallatin County and Bozeman study commissions decide not to recommend any change in government be placed on the ballot, that's fine.

But the recommendation should

be based on solid research of the current forms of government and all possible alternatives, not on a survey of residents.

One problem is that surveys can be misleading. Mike Ward, a member of the county study commission, has complained that its survey didn't offer respondents a clear alternative to the present form of government.

Respondents also may be confused about the various types of government. The Bozeman poll, for example, found that most people opposed self-government. Yet a majority also favored more power for city government to solve local problems — which is just what self-government would provide.

It seems evident that residents really don't know enough about their government to provide the kind of answers to make these surveys valid. Because of these kinds of problems with surveys, the study commissions should not base their recommendations largely on public opinion.

Instead, it would be wise at this time to try to educate people about how their government works and how other types of government operate.

Then, put an alternative on the ballot and let voters decide at the polls, not through a survey, what they want.

The job of the study commissions is to offer alternatives to existing forms of government, not just to sample public opinion.



301 South 19th Avenue  
Bozeman, MT 59715  
December 3, 1985

Mr. Gerald "Babe" Goldenstein  
President, Agricultural Preservation Association  
7810 Goldenstein Lane  
Bozeman, MT 59715

Dear Babe:

Last Friday, as you know, I requested copies of the minutes and other proceedings of the Gallatin County Study Commission. As a result of my request, Study Commission Chairman Vernon Westlake and the four other Study Commission members directed their secretary to place a copy of these documents in the Clerk and Recorder's office. The following observations are what I have gleaned from a rather brief study of the Study Commission's minutes and interview notes.

I intend to be present at the January 9th public meeting in Bozeman. However, I shall be unable to attend this Thursday's meeting in Manhattan, due to previously scheduled Air Force Reserve duty in Helena.

1. Members of the Study Commission have worked diligently and eagerly at the difficult tasks of (1) understanding how the current system of county government works, and (2) attempting to determine how the people of Gallatin County feel about this system, apart from any feelings people may have regarding current elected officials.

2. The Study Commission appears to have operated thus far within four distinct phases: (1) Initial organization, (2) Interviews of public officials, (3) Design and conduct of a public survey, and (4) Survey interpretation and additional public input. The fourth phase I have mentioned is, of course, underway at this time. Following this fourth phase there will be a final recommendation, which could possibly include a ballot issue in November regarding a change of government.

3. During the interview phase, particularly with former County Commissioners Walter Sales and Ruthmary Tonn, the question of the efficiency of the present 3-member full-time elected county commission arose frequently. Both Sales and Tonn strongly suggested that a part-time, county legislature - type of commission, with a full-time appointed or elected county manager would be preferable to the current system. This issue seems to be the major substantive area of controversy that has arisen during this study process.

4. The public opinion survey was designed during a four-month process which involved long, intense discussions between Study Commission members and outside advisors. These advisors included Dr. Richard Haines and Judy Mathre, both of the MSU Political Science Department. I purchased a copy of the final survey questions and their results from the Clerk and Recorder, and have attached it for your perusal. In my opinion, the survey was designed and conducted fairly, and represents a pretty valid sampling of public opinion in Gallatin County. *(I wrote this before I saw that there were no calls to the Amsterdam-Churchill area.) J.N.*

5. One could argue for days over the merits and demerits of different forms of government, and over the meaning of the survey results. I think it is more productive to focus on the key philosophical issue at stake in this process. The best way I can describe this issue is to quote directly from page 5 of the Study Commission's notes from the May 2 interview with former County Commissioner Ruthmary Tonn:

Vernon [Westlake]: Those that pay should be represented.

Mike [Ward]: I disagree with you 1000%.

6. Majority rule is a long-established precept of our representative form of government. Equally revered, however, is the concept of respect for the rights of minorities. Montana's system of local government finance tends to place the major burden of taxation on a minority of property taxpayers. I believe that a system of local government which is highly accessible to this minority acts as an important safeguard against the excesses of the majority.

7. Elected officials, of course, come and go. However, our recent experience here in Gallatin County is instructive when comparing the current 3-person county commission system with a county legislature - county manager system. I need not remind you of the "taxpayer's revolt" of 1981, when members of your organization played a key role in forcing the county commissioners to reduce their budget.

Additionally, a quick comparison of our current county commission - elected at large - with Gallatin County's legislative delegation - elected by districts - hints that we might expect major differences in attitudes toward the taxpayer under a county legislature elected by districts.

I think I have made my own bias toward the current system clear. If your members share this view - or even if they don't - I urge them to attend the two public hearings and make their views known at this stage. Thank you for requesting my input.

Sincerely,



John Nehring

- Atch: 1. Citizen Survey  
2. Schedule of Interviews  
3. Study Commission Financial Report, October 31, 1985



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Mike [Ward]: I disagree with you 1000%.

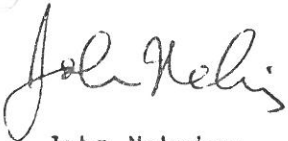
6. Majority rule is a long-established precept of our representative form of government. Equally revered, however, is the concept of respect for the rights of minorities. Montana's system of local government finance tends to place the major burden of taxation on a minority of property taxpayers. I believe that a system of local government which is highly accessible to this minority acts as an important safeguard against the excesses of the majority.

7. Elected officials, of course, come and go. However, our recent experience here in Gallatin County is instructive when comparing the current 3-person county commission system with a county legislature - county manager system. I need not remind you of the "taxpayer's revolt" of 1981, when members of your organization played a key role in forcing the county commissioners to reduce their budget.

Additionally, a quick comparison of our current county commission - elected at large - with Gallatin County's legislative delegation - elected by districts - hints that we might expect major differences in attitudes toward the taxpayer under a county legislature elected by districts.

I think I have made my own bias toward the current system clear. If your members share this view - or even if they don't - I urge them to attend the two public hearings and make their views known at this stage. Thank you for requesting my input.

Sincerely,



John Nehring

- Atch: 1. Citizen Survey  
2. Schedule of Interviews  
3. Study Commission Financial Report, October 31, 1985

Dec 16, 1985

## County government is outmoded

By MIKE WARD  
Chronicle Guest Columnist

I wanted to title this "The Secret Diary of the Naked Countess" in hopes you'd read on. I was talked out of that, so instead here are some thoughts about our "horse and buggy" county government. I expect some people will get riled.

About a month ago, 338 county residents (perhaps including a naked countess for all I know) received phone calls asking if they'd mind answering a few questions. The first one was:

"In general, are you satisfied or dissatisfied with the present form of government in Gallatin County?"

Three-quarters of them said they were satisfied — and a majority of the County Government Study Commission may suppose that settles the matter.

I don't think it settled anything.

And I have a string of solid reasons why I think so.

First — what if that question had been: "Would you prefer our present form of county government or one which could cost less, be more efficient and be more accountable to you?" I'd bet good money the answers would have come out differently.

Second — the actual question was about the "form" of county government. How much do you know about the "form" of our government in Gallatin County? My guess is that most of you know piddle-dinkum about it. I have certainly learned a bunch after a year of studying it closely — and I had been going to all the commission meetings since 1981. But, if you think you know a lot about it, I've got a short quiz for you. If you flunk it, you can buy gas for my '69 guzzler for the next year. This is not an open-book exam, by the way; it wasn't for those who got phone calls.

Third — response to other survey questions indicates that many people really are not satisfied with the form of government we have.

Consider:

—Less than half opposed a change to another form.

—A strong majority (68 percent) thinks a six-year term for county commissioners is too long.

—Nearly 80 percent think county officials should be qualified for their jobs before they are hired, which is not assured now.

—Two-thirds favor combining the duties of some officials, which would mean having fewer of them.

—And, on several other questions the margins were close enough that opinions could turn around with a bit more knowledge on the subject.

In short, people are not necessarily content with the present set-up.

Fourth — even making the doubtful assumption that people really understand our current moss-covered form of county government, the survey obscured a clear look at a different form — commission/manager — which I think makes more sense. This form could be adopted in 1986

if voters are given the choice. This is a very big "if." The choice.

Most Montanans over the age of 12 know that this nation is governed under a "separation of powers." Our forefathers chose this system because they didn't like absolute monarchs, and we don't like dictatorships any better today. Thus, in Washington, D.C., we have a president and Congress, in Helena we have a governor and legislature, and in Bozeman we have a commission and manager. Each counterbalances the other. It works.

But not in the county courthouse. In our present county government we have a swarm of elected officials, all independent of the others and most without a shred of policy-making authority. They are administrators. There are also a number of appointed officials, some of whom pull down the top salaries there — more than any of the elected administrators or the commissioners. Maybe you didn't know that.

On top of this "system" sit three elected county commissioners who exercise both legislative and executive powers. Most of their power is over your tax money, but they have little or no authority over all those other elected officials. Actually, two commissioners can, and do, agree between themselves to do something (which means spend money) and then go ahead and do it without worrying whether anyone else likes it.

This antique way of doing the county's work came to us on the Mayflower and it hasn't changed a lot since. There are many good people in our county government and they manage to make a ramshackle "system" function — but the fact remains that it is inefficient and outmoded. And sometimes a few hundred thousand bucks get lost. You're satisfied? Yes — like a horse a buggy, it'll get you there, but there are better ways to go.

Gallatin County was a mostly rural county years ago. It isn't any more. Our county is overwhelmingly urban today, with most of us living in cities and towns and the surrounding suburbs. That is a fact, but many urban residents wrongly suppose that county government has little to do with them, except collect their taxes. What's more, a healthy fraction of the small number of truly rural residents like it that way.

That's why more tax dollars — collected from all of us — go to the fairgrounds than for libraries. It's why commissioners can buy a fancy van for their exclusive use to boodle around the county, but "can't find the money" for recreation programs. The list is longer, much longer, but it wouldn't sound any sweeter to most of us. For instance, do you like paying into the rural special improvement district account? And if you do, who benefits? That's on the quiz.

In some cases, county priorities are dictated by state laws put on the books years ago by rural, male-dominated legislatures. A larger reason, however, is that an apathetic urban majority in our county seems to think that county government belongs to the rural minority — now less than 10 percent of our population. It even

helps to explain why, in a countywide election, four of the five county government study commissioners are rural residents.

My fellow study commissioners are nature's nobility. I like them all. We work together in amiable harmony. And on gut issues, such as some I'm discussing here, they outvote me. I have no argument with majority rule, but sometimes I wonder about a majority that represents less than 10 percent of the voters.

The study commission majority has the power to declare that our present form of county government is generally OK, and that will be the end of it. We'd continue with the present creaky set-up for another 10 years — and the chance to replace the horse and buggy would die.

Those who want to keep our antiquated commission form of government might not say, "If the horse and buggy ain't busted, don't fix it." Those who defend the status quo aren't bumpkins whose best friend is a cow that can't read. And they aren't all ranchers and farmers or businessmen who sell fertilizer, pesticides and Japanese tractors. They are mostly intelligent, well-educated, decent, law-abiding people who know which side their bread is buttered on.

More than a few of them understand very well how our present county government works — for them. Some of them "farm the tax laws," legally and successfully. I know one (quite well) who concedes that urban and suburban residents greatly outnumber rural people, but that "we own the land." His point was that substantial landowners should have the last word in county matters, even though they don't have the votes.

That way of making public decisions isn't generally accepted as the American way. But when an interested and organized minority does its homework, it can have the last word. That's pretty much how things are now.

I am convinced that Gallatin County can, and should, have a vote to adopt a better form of government — the commission/manager form. It is available to us under the Montana Constitution and it is widespread, successful use in Montana and all over the United States. It should be an option that voters can select — or reject — in the autumn of 1986.

I hope to describe how it would work here, and compare it with our present county government in a future article. That depends on the editor, who has the last word on what gets in this paper. Majority rule is rare in the world of journalism.

Should he agree to humor me, I'm convinced that the commission/manager form in Gallatin County will be seen as a better choice; less costly, more efficient and more responsive to the people who live here. But of first importance, it would be fair and equitable to everyone — rural and urban residents alike.

Watch this space.

Mike Ward is a member of the Gallatin County Local Government Study Commission.

Final Draft

You are one of 250 people I'm sending this to -- not because I expect all of you to agree with me, but because I think you may care enough to give the problem some honest and careful thought.

"The Problem" is our county government. I think that what we have -- a \$15 million per year "horse and buggy" -- isn't nearly good enough. We can have a better government if we want it. The 1972 Montana Constitution gives us the right, and indeed more than a right, to choose another arrangement.

The present system of electing three full-time County Commissioners for six year terms, plus 10 other elected people <sup>for</sup> are independent department heads, is pathetically inefficient. And it is expensive for that ~~very~~ reason -- ~~a whole lot~~ more expensive than it should be for what we get, for our tax dollars.

Any way you look at it, our county government doesn't work very well. Even in those corners where it does function fairly effectively, that is because of some good people in the Courthouse who perform well in spite of the system.

As I see it after long observation, a big part of the problem is that nobody is really in charge. There are numerous independent minor kingdoms whose chiefs are responsible only for their own piece of the turf, and are mainly interested in getting re-elected.

I have been going to all the Commission meetings for nearly five years, and I have been digging into the problems as a Study Commissioner for the past year. I'm just about convinced that the best system of local government is the Commission-Manager form. We can have it here in Gallatin County. Other places have it any like it.

I won't argue that it would be perfect, since no system with people in it can ever be. But, with an elected Commission that decides

what needs to be done, and a professionally trained Manager to figure out the best way to do it, we could have much better, and almost certainly less costly, county government.

We would have office managers hired and organized for their skills, not elected because they are ~~well known and~~ need a paying <sup>job</sup> position. I have learned that most of us don't know, and don't much care, who we ~~put~~ <sup>put</sup> elected in jobs like Auditor, Coroner, Assessor and <sup>the</sup> ~~a lot of~~ other positions in the Courthouse. People who run for such jobs don't have to know anything about them -- they just have to be 18 years old, a citizen and a resident to run. All too often we wind up with department heads who spend years learning about ~~their jobs~~ from their employees. And the Commissioners can't fire the incompetent ~~ones~~, because we put them there -- for four safe years -- usually with very little knowledge of the candidates or the jobs we elected them to.

I could go on for pages about the creakiness and costliness of our present "system" -- but you read the newspapers, too. Scarcely a week goes by without another story about the latest fumble ~~play~~ in the Courthouse.

On January 9th -- Thursday at 7:30 P.M. -- there will be a Public Hearing in the Courthouse Community Room, <sup>APPROPRIATE</sup> ~~(which by the way has been very~~ nicely ~~spiffed-up~~ for the comfort and convenience of the Commissioners.) It could have some influence on the question of whether you will have a chance to vote for better government in Gallatin County.

My fellow study commissioners have leaned strongly from the ~~very~~ beginning in the direction of believing that what we have now is just fine. I am not -- but I just have one vote on the 5-member commission. It is my present belief that the voters of Gallatin County should have the right to choose. Right now the voters have no say in the matter.



The rules of this game are that if a majority of the study commissioners believe we don't need a change in our form of government, then it will be another <sup>10</sup> ten years before we could trade in this horse and buggy for a "Made in USA" ~~1986~~ model. That would mean more band-aids and balancing wire -- and our tax money wasted for every one of those <sup>10</sup> ten years -- to keep a 19th century form of government ~~plodding and~~ stumbling along at our expense. It doesn't have to be that way, if people stand up and express their views.

I have attached an outline of what I propose, to replace what we ~~have now~~. It would be very similar to the system that many communities all over the country have turned to -- because it makes more sense and it works better, than what we have.

I hope you will come to the January 9th hearing. It will be your only chance to speak out in favor of the Commission-Manager form, and to get the Study Commission to consider putting it on the ballot in '86. ~~1986~~ 1986.

But, even if you don't support this change, I hope you will come anyway -- to hear the arguments on both sides of the issue, and if you ~~must~~ <sup>must</sup> feel strongly, to speak for the status quo. The very worst thing would be an empty room -- thereby convincing my fellow ~~study~~ commissioners that nobody cares about the problem, or how their \$15 million a year in taxes are going to be spent.

This letter, by the way, is not being paid for with your tax money. I am paying for it out of my ~~own~~ pocket, because I think the issue is that important -- not just to me, but to all of us.

So please mark January 9<sup>th</sup> on your calendar, and be at the public hearing that ~~night~~ <sup>evening</sup> night. I don't think it will be dull if you come. <sup>won't</sup>

Mike Ward

January 10, 1988  
2144 Willey Center East  
Roxenon, VT 50715

Mike Ward  
410 East Story  
Roxenon, VT 50715

Dear Mike,

Please send me a copy of the letter that you sent out regarding the Public Meeting of the Study Commission last evening, and a list of the people that it was sent to. I would appreciate having this before our next meeting on January 16.

Amiably,



cc Vernon Westlake Chm.  
Caledonia County Govt. Study Commission

Monday, Jan. 13, 86

Dear Barbara,

I got your note after being in Helena for a couple of days on other matters. I regret that I can't fully respond, because I used up all the copies of the letter I mailed out, but I enclose a draft which I hadn't thrown away yet. I remember that it was too long, so my final version was shortened to fit on two pages. As I recall it wasn't substantially different from the draft. . . just shorter.

At any rate, with 250 copies sent all over the county, you should be able to turn one up with a bit of effort, if this won't do.

I didn't, and don't, have a list of addressees. I simply went thru the phone book and picked names of people I either knew or knew something about. As I recall (that was a couple of weeks ago) there were a considerable number from outside Bozeman -- subdivisions and the Belgrade, Manhattan, 3 Forks and Gallatin Gateway areas. Many were known Republicans and Democrats, but probably a larger share were folks whose political leanings are unknown to me. I just didn't consider that important, since I don't consider our work a partisan political thing.

I'll admit, it was a rather unscientific, even haphazard way to do it, but I wasn't making any particular effort to duplicate the rigorous sampling methods of Professors Haines and Tiahrt. I didn't have the time.

I wish I did have a list of the names I mailed to, because I'd like to trade it for the APA membership list. The APA was certainly well represented at the Bozeman and Manhattan hearings -- don't you agree?

Anyway, I think my columns in the Chronicle, for everyone's reading, may have had more influence on who turned out, because I saw a number of people in the Community Room that I'm pretty sure I didn't send a copy of my letter to -- and, of course, I don't think I had had anything in the press before the Manhattan hearing.

See you all Thursday. Cheers.

*Mike*

Mike

You are one of 250 people I'm sending this to -- not because I expect all of you to agree with me, but because I think you may care enough to give the problem some honest thought.

"The Problem" is our county government. I think that what we have -- a \$15 million per year "horse and buggy" -- isn't good enough. We can have better government if we want it. The Montana Constitution gives us the right to choose another arrangement.

Our present system of electing three full-time County Commissioners for six year terms, plus 10 other elected people who are independent department heads, is pathetically inefficient. And it is expensive for that reason -- much more expensive than it should be for what we get.

Any way you look at it, our county government doesn't work well. Even in those corners where it does function effectively, it is because of some good people in the Courthouse who perform in spite of the system.

A big part of the problem is that nobody is really in charge. There are numerous independent minor kingdoms whose chiefs are responsible only for their own piece of turf.

I've been going to all the Commission meetings for nearly five years, and I've been digging into the problem as a Study Commissioner for the past year. I'm convinced that the best system of local government is the Commission-Manager form. We can have it in Gallatin County.

I won't argue that it would be perfect, because no system with people in it can ever be. But, with an elected Commission that decides what needs to be done, and a professionally trained Manager to figure out the best way to do it, we'd have much better -- and almost surely less costly -- county government.

We would have office managers hired and organized for their skills, not elected because they need a paying job. I've learned that most of us don't know, and don't much care, who we elected to jobs like Auditor, Coroner, Assessor and too many other positions in the Courthouse. People who run for such jobs don't have to know anything about them -- they just have to be 18 years old, a citizen and a resident to run. All too often we end up with department heads who spend years learning from their employees. And the Commissioners can't fire the incompetents, because we put them there -- for four safe years -- usually with little knowledge of the candidate or the job we elected them to.

I could go on for pages about the creakiness and cost of our present "system" . . . but you read the newspapers, too. Scarcely a week goes by without another story about the latest fumble in the Courthouse.

On January 9 -- Thursday at 7:30 PM -- there will be a Public Hearing in the Courthouse Community Room (which has been very nicely appointed for the convenience and comfort of the Commissioners.) It could settle whether we will have a vote for better government in Gallatin County.

My fellow study commissioners have been convinced from the start that what we have now is just fine. I AM NOT -- but they have me outnumbered by 4 - 1. I'm going to need a lot of help to persuade them that the voters have the right to decide. Right now the voters have no say.

The rules of this game are that if a majority of study commissioners believe we don't need a change, it will be another 10 years before we could trade in this horse and buggy for a "Made in USA" 1986 model. That would mean more band-aids and baling wire -- and tax money wasted every one of those 10 years -- to keep a 19th century form of government stumbling along at our expense. It doesn't have to be that way.

I have attached an outline of what I propose, to replace what we now have. It would be similar to the system many communities have turned to -- because it makes more sense and it works better.

I hope you will come to the Jan. 9th hearing. It will be your only chance to speak out in favor of the Commission-Manager form, and to get it on the ballot as an option in 1986.

But even if you don't support this change, I hope you'll come anyway -- to hear the arguments on both sides, and if you must, speak for the status quo. The very worst thing would be an empty room -- thereby convincing my fellow commissioners that nobody cares about the problem, or how their \$15 million a year in taxes are spent.

This letter, by the way, is not being paid for with your tax money. I'm paying for it out of my pocket, because I think the issue is that important -- not just to me, but to all of us.

So please, mark January 9 on your calendar -- and be at the public hearing that evening. I promise you -- it won't be dull if you come!

  
Mike Ward

P.S. Letters to the Editor would be helpful, too.



COMMISSION-MANAGER FORM OF GOVERNMENT FOR GALLATIN COUNTY

- \* Five part-time elected County Commissioners
  - Paid only for meetings attended -- not more than once a week.
  - Would deal only with policy and statutory matters -- not with day-to-day operation of county business
- \* Elected for four year terms -- not six years as at present.
- \* Elected on partisan ballot -- county wide.
- \* Commissioners elect their Chairman, who would have no greater powers.
- \* Commission would hire a professionally trained and experienced Manager who would work full time and organize Courthouse.
  - Manager would carry out Commission policies as directed
  - Manager would be answerable only to Commission, under contract
  - Manager would hire and supervise department heads
  - Manager would develop budget for Commission review and adoption
- \* Judicial and Law Enforcement departments would not change, except that Sheriff, County Attorney and Clerk of District Court would be elected on a non-partisan basis.

COMPARISON OF PRESENT AND PROPOSED FORMS

PRESENT FORM

Commissioners (3)  
Supt. of Schools  
Clerk and Recorder  
Auditor  
Assessor  
Treasurer  
Coroner  
Public Administrator  
Clerk of Dist. Court  
Sheriff  
County Attorney

ELECTED

(Partisan basis)

PROPOSED FORM

Commissioners (5)  
(part-time)

ELECTED

District Judges (2) (Non-partisan)  
Justices of Peace (2)

District Judges (2)  
Justices of Peace (2)  
Sheriff  
County Attorney  
Clerk of Dist. Court

JAN. 6, 86

# pinion

Bozeman  
Daily Chronicle

## Streamline government for efficiency

By MIKE WARD  
Special to The Chronicle

What bugs you most about Gallatin County government?

—Are you tired of having commissioners with minimal qualifications trying to run a \$15 million-year enterprise?

—Do you object to commissioners serving six-year terms; terms so long that they feel no need to listen?

—Do you wonder who is in charge, with 13 elected officials there? (A hint: Try to get an answer to a question in any one office. Good luck)

—Do you despair at seeing costly mistakes — sometimes million dollar mistakes — made by elected officials when continue to ride out their terms with no real way to hold them responsible?

—Do you weary of a courthouse full of elected people none of whom is answerable to a manager who knows whether they are on the job, whether they are competent at their job, or who can replace them if they aren't?

—Does it gravel you to have elected officials who, by their own admission, spend the first year or two "learning the job," if they ever do?

If your answer to any or all of the above is "You bet!," come to the hearing on your county government on Jan. 9 at 7:30 p.m. in the Courthouse. The County Government Study Commission will hear you out, record your comments and ideas, and then begin drafting its decision on whether any changes should be recommended to the voters.

We can have a better — much better — system. It would have three main features:

- 1.) Five part-time elected commissioners.
- 2.) A full-time professional manager.
- 3.) No more elected office managers in the courthouse.

This, of course, is a ruthless abbreviation of my proposal. Some parts of county government do not need revision, since they worked well as they are. Law enforcement and the judicial branch would not change, except for non-partisan election of the sheriff, county attorney and the clerk of district court. District judges and justices of the peace are non-partisan offices now and should stay that way.

But a lot of pointless politics would be eliminated in the courthouse, while policy

A commission/manager form of government would make it more likely that excellent people would find it attractive to serve in county government.

differences would be confined to the commission where they should properly be expressed — in public.

A comparison of the present and proposed forms are shown here:

Elected (by party vote):

Present form — Commissioners (3 full-time); Superintendent of Schools; Clerk and Recorder; Auditor; Assessor; Treasurer; Coroner; Public Administrator; Sheriff; County Attorney; Clerk of District Court.

Proposed form — Commissioners (5 part-time).

Elected (non-partisan):

Present form — District Judges (2); Justices of Peace (2).

Proposed form — Sheriff; County Attorney; Clerk of District Court; District Judges (2) Justices of Peace (2).

The obvious big difference is that a gaggle of elected department heads and skill positions would no longer be elected. In interviews with the "row officers" now serving four-year elected terms, we asked if their party ties made any difference in how they do their jobs. All of them said it had no bearing on their work, but several told us it did help them get elected. In short, it helps candidates — not the people.

Under a commission/manager system, a professional manager hired by the commission would select and supervise office managers — and find ways to exploit their skills for greater efficiency. If these department heads couldn't produce, they could be replaced.

As things are now, marginal or sub-par people get re-elected because of a ballot crowded with positions and names about which most of us know very little.

But the important part of the commission/manager form is — as it should be — the commission. Under our present system, the three commissioners supposedly work full-time for six years. Well, they are elected for six years, all right — and for the

last quarter century, none has ever been re-elected. The six-year term has simply turned off the best and brightest. There have been exceptions, but all too rarely.

As for the full-time part of it, some do put in a full day — and some don't. Each decides when and how long to be in the office. This is not just malicious gossip — it's common knowledge in the courthouse.

Commission meetings once a week on policy and statutory matters only, with the management of day-to-day operations firmly fixed on the manager, would tend to attract quality people to the commission. Today, such people won't even consider giving up their jobs to run for a county job.

There could be savings in your taxes, too. The current price for three full-time commissioners and an administrative assistant is about \$140,000 a year. With a commission/manager system, that could be cut in half. Paying five part-time commissioners \$75 a meeting would add up to less than \$20,000 a year. A first-class county manager would not come cheap, but even at \$50,000 annually, such a person would be a bargain. And, a manager worth that salary would surely find other ways to reduce expenditures and improve efficiency. In fact, that would be one of the principal reasons for hiring a professional — and it would be the clear responsibility of the commission to get our money's worth.

This past Christmas Eve, the editorial board of this paper gave me "an erector kit" so I could "build the perfect county government". My gratitude is boundless, just to be remembered. But I'm going to disappoint my benefactors — indeed everyone who may be looking for "the perfect county government".

We'll never have it. Nowhere on this earth are there any perfect people — and that's what would be needed for perfect government. But the Montana Constitution provides the blueprint for a commission/manager government, and that form makes it much more likely that excellent people would find it attractive to be in county government.

I urge you to come to the Jan. 9 public hearing and speak out. It is a brand new year, but an old problem will still be with us in 1996 if this chance is missed.

*Mike Ward is a member of the Gallatin County Government Review Study Commission.*

# Checks and balances in present system

By JOHN NEHRING  
Special to The Chronicle

June 6, 1986

County Government Study Commission member Mike Ward has done us a favor by questioning our county government's effectiveness. It's too bad that his answer — a type of hierarchical bureaucracy — flies in the face of both management theory and simple practical experience.

**Hierarchical Bureaucracy** — Mike wants to dump our three-person County Commission in favor of the management system which prevails in most other public and private organizations. Most of us know this system: a part-time board of directors, a chief executive officer (CEO) hired and fired by the board, and a pyramidal organization under the CEO.

**Advantages of Hierarchical Bureaucracy** — Students of management can recite the advantages of hierarchical bureaucracy. Its chief theoretician, Prussian sociologist Max Weber (1864-1920), stressed (1) clear lines of authority; and (2) administrative efficiency in support of organizational objectives. Meeting these goals calls for (1) division of labor; (2) rigid organization; (3) personnel selection based on technical qualifications; and (4) appointment of officials, instead of election.

**Good Models** — The hierarchical model serves organizations with clearly defined objectives well. Airlines, oil companies, military units (at the tactical level), and county road crews all fit this description.

**Poor Models** — Many other organizations, though, are poorly served by this system. Some of these organizations function only because of extraordinary human efforts or "informal organization". Others simply fail to perform. Let's look at several governmental examples.

**City Government** — Bozeman's city government remains reasonably responsive because we usually elect two or three city commissioners (like Mike's wife, Mary) who are willing to do a week's work for a few hour's pay. But even this generous dedication is often not enough. We still haven't recovered from the financial mismanagement of the late 1970s. In 1980 it took over a year to remove a city manager who was no longer effective. And after a century of existence in one of the snowiest locations in the U.S., we still can't seem to deal effectively with icy streets.

**School Districts** — State and federal regulation, plus heavy centralization of authority at top administrative levels, combine to make even the best school systems (such as Bozeman's) rather difficult places to educate children. To protect teachers against potential abuses of administrative power, we have to guarantee tenure even to those with minimal competence.

**State Government** — Every other year, 150 part-time lawmakers attempt, amidst an avalanche of 1,400 bills in 90 days, to set priorities for a billion dollars of state spending. They do their best, but for the remaining 20 months of the biennium, the executive agencies essentially set policy with thousands of day-to-day decisions which affect all of us.

**Federal Government** — I dare not even begin. I'll simply cite several Harris Polls

## Day-to-day involvement in all facets of county business keeps county commissioners on top of situations and in touch with potential combatants.

which show that the average American believes (optimistically, I think) that 49 cents of every federal dollar is wasted.

**Defining Organizational Performance** — I've tried to show with these few examples that many government inadequacies are the result of trying to use an industrial management organizational model under conditions far different from those in which this model has succeeded.

Corporations and other businesses must satisfy customers whose money then supports the business. This one-to-one relationship between payment and performance may not guarantee good performance by a business firm, but it certainly helps to define performance standards.

County commissioners, by contrast, must satisfy four widely disparate constituencies: (1) voting taxpayers; (2) voting recipients of government services; (3) public employees; and (4) state and federal policy-makers. Simply deciding on the objectives to be satisfied is a major task confronting our elected officials. Administrative efficiency and clear channels of authority, the major advantages of hierarchical bureaucracy, are only secondary criteria for evaluating county government's effectiveness. The capability to prevent or resolve conflict between competing constituencies is the first and most important criterion.

**Conflict Management** — If Weber's hierarchical bureaucracy model is inappropriate for local government, what then? I like the "Integration" approach of American political philosopher Mary Parker Follett (1868-1933). The ideal organization, in Follett's view, helps individuals define their common interests and directs their tasks toward these common interests.

Four management principles serve to facilitate this idealistic goal. Conflict resolution must: (1) start in the early stages; (2) include direct contact with all responsible people concerned; (3) address all situational factors; and (4) be a continuing process.

**County Commissioner Management** — The men who designed county government doubtless never heard of Mary Parker Follett. Yet, they designed a system under which her "integrative" principles work fairly well.

County commissioners both make and enforce policy, as well as set budget priorities. To Mike, this is an inordinate concentration of power. This power, though, is no more than that of a governor, city manager, or school superintendent who is "in session" 365 days a year, with vast administrative and informational resources at his or her disposal. Do you disagree? How often do the school trustees or city commissioners override their administrator's recommendations? Any competent administrator continually formulates policy, albeit in subtle ways.

Unlike a single executive, however, a county commissioner must always obtain the agreement of one other person before taking even the smallest official action. This simple necessity makes county commissioner government much more of a negotiating process than the hierarchical bureaucracies.

This habit of daily negotiation on the little issues can't help but make it easier to resolve — or prevent — more serious conflicts. What's more, day-to-day involvement in all facets of county business keeps county commissioners much more on top of situations and in touch with potential combatants than if they met only periodically as a legislative body.

**Further Dispersion of Power** — Elected county officials such as the sheriff, clerk and recorder, treasurer and assessor need not seek the county commissioners' advice in operational matters. This is often cited as a shortcoming of county government. I think it is a major advantage.

These officials' duties are set by the Legislature. They and their staffs constantly interact with the public. What purpose would be served by inserting two more layers of government (e.g., a county legislature and a county administrator) between the citizenry and these officials?

Furthermore, these "elected department heads" do meet regularly with the commissioners to coordinate matters of mutual interest. Their standing as equals, rather than subordinate employees, is another built-in safeguard which fosters cooperative behavior in county government instead of the typical bureaucratic power struggles.

**Adaptability** — Finally, effective county government must be able to adapt to changing conditions. Two current examples illustrate this ability. The commissioners recently consolidated the county surveyor's position with the county clerk's office. They are now evaluating the administrative assistant's job to reflect changing needs in this area.

**Conclusions** — Our existing county commission system does an excellent job of cooperatively managing conflict between many people with valid interests in the governing process. By and large, county government performs its appointed tasks more economically and effectively than do those governmental entities which operate as hierarchical bureaucracies.

County government in Gallatin County has proven its adaptability under commissioners and other officials of widely differing backgrounds, qualifications and political persuasions. The built-in checks and balances under this system of multiple elected managers serve to present any unhealthy concentration of power in the hands of a single individual.

Replacing this eminently workable system with a more authoritarian hierarchical bureaucracy is bound to cost us dearly. I think the majority of the County Government Study Commission members who are resisting such a change are to be commended for their good judgment and uncommonly good common sense.

*Bozeman consultant John Nehring is a former business management instructor at Montana State University.*



BDC Nov 8, 85

# County status quo

## Gallatin County survey supports commission form of government

By LAURIE LeMAUVIEL  
Chronicle Staff Writer

About three-quarters of Gallatin County residents responding to a recent survey are happy with county's present commissioner form of government.

The results came in the random survey of 338 residents, done at the request of the Gallatin County Local Study Commission.

About 39 percent of those responding lived in Bozeman, 38 percent lived in rural parts of the county and 23 percent in other communities. Further analysis of the survey may still be done, according to Vernon Westlake, study commission chairman.

Though most gave their support to the status quo, many favored some changes. About 61 percent said four years rather than the present six years would be a better length for commissioners' terms in office. Approximately 30 percent preferred the six-year term.

About 78 percent of those surveyed said that appointed and elected county officials should be qualified for the work they do in office through training or experience.

Presently, elected commissioners come from all walks of life. Many former commissioners interviewed by the study commission said it took at least a year to learn the job.

But nearly half those surveyed opposed hiring a professional manager to administer county government. About 40 percent favored having a professional manager, and some 10 percent said they didn't know or had no opinion.

Sixty-five percent favored combining the duties of some county officials, while 18 percent opposed the idea.

Gallatin County residents like voting for their county officials, the study found. About 68 percent said they disagreed that county government would be more effective if some officials were elected instead of appointed.

Forty-nine percent said party affiliation should be on the ballot for county commissioners, while 37.9 percent said it shouldn't be and about 13 percent didn't know or had no opinion.

Three full-time commissioners are better than five, according to about 53 percent of those responding, and about 70 percent preferred full-time commissioners.

11/8/86

## Public hearing Thursday on issue of changing county government

The group investigating whether Gallatin County's form of government should be changed will hold a hearing Thursday at 7:30 p.m. to get comments from the public.

Only one member of the Local Government Study Commission, Mike Ward, has come out publicly in favor of major changes. Ward has advocated hiring a full-time professional manager to run county government with policy set by five part-time elected commissioners. That

would replace the present form, in which three full-time commissioners run the county. Critics contend the present form is inefficient and wasteful, while supporters argue the present system works fine. The public hearing will be held at the County Courthouse on West Main Street in Bozeman.

11/10/86

# Testimony favors hiring county manager

By CRAIG JOHNSON  
Chronicle Staff Writer

Gallatin County would be run like a multi-million-dollar corporation with a board of directors and a chief executive officer, if speakers at a meeting Thursday had their way.

With an \$11.5 million budget, county government is a big business. Most people testifying at a public hearing of the Gallatin County Government Review Study Commission favored turning the County Commission into a board with a hired manager.

"We can all recognize that if you select three people from this room and put them in charge of a major corporation, they would feel a little out of place," said Joel Shouse, a local planning consultant and until recently chairman of the Bozeman City-County Planning Board.

A capacity crowd of 100 filled the Courthouse community room to hear the proposals. Changes, if any are recommended by the Study Commission, could be put on the ballot this June or November.

The three county commissioners are now elected to six-year terms,

and other county officials are also elected. The most discussed proposal at the meeting would allow continued election of the commission, but most other county officials now elected would be appointed, as would a manager.

State Rep. Dorothy Bradley, D-Bozeman, and Sen. Dorothy Eck, D-Bozeman, turned out to push the commission-manager form, along with former county commissioner Ruthmary Tonn and former Bozeman City Commissioner Anne Anderson.

However, County School Superintendent Margaret Brown, Rep. Norm Wallin, R-Bozeman, and a small contingent of residents opposed any changes in the current system.

Tonn said the present commission form "does work fairly well, but it's too expensive."

"The commission-manager form would cut costs and make government more efficient and more cohesive," she said. "It's a multi-million dollar business that needs to be managed."

Bradley said a five-member commission with a manager would

increase efficiency and make county government more accountable to citizens.

"Good representation and accountability means getting as close to the people as possible," Bradley said. "You need personal contact. Accountability means not being able to pass the buck."

"If rural people are worried about losing representation, you should look at a five-member commission in single-member districts. You'd have more say in government."

But Wallin said he subscribed to the "if-it's-not-broke, don't-fix-it" philosophy.

"I respect the people who are speaking for change, but a wheel has been invented that turns," Wallin said. "If the wheel turns, why change it?"

"When we have a commission that works as well as it has, I'm not ready to throw it out."

Although speakers favoring the commission-manager idea dominated the forum, the largely silent audience broke into applause when county employee Brad Johnson spoke against change.

Johnson criticized the commission-manager form as practiced by the city of Bozeman. He questioned whether a city manager really saves money for taxpayers and whether Bozeman voters like the system.

"They're looking at an 80 percent increase in water rates," Johnson said. "It's so accountable that two of three incumbents were asked to go home" in the last election.

County School Superintendent Margaret Brown said she feared that political patronage would take over county government under a system that appoints department heads.

"I shake in my boots when I think of the commission-manager system," Brown said. "We would have the 'spoils' system — to the victor go the spoils."

"If we go to the commission-manager form, the other officials would be appointed. More than likely they would be friends of the manager."

"When you're appointed, you please that one man. When I'm elected, I'm serving the people of Gallatin County."

January 16, 1986

Statement by Mike Ward at Meeting of Gallatin County Study Commission

We have all worked hard at this job -- harder than we may have expected when we began more than a year ago. We have each done our best to be fair, open-minded and objective in weighing a very large volume of facts and opinions. It is my impression as we begin to draft our tentative conclusions and recommendations that we have not arrived at a consensus.

A majority of this commission appears to feel that, while the present Commission form of county government could benefit from some internal changes, it is nevertheless basically sound and capable of delivering services effectively. Accordingly, I sense that the majority of this commission is not now prepared to recommend a change to another form. If I am mistaken in this assessment, I would welcome correction.

My view is that the band-aid and baling wire repairs to the present system will simply go on and on. I would argue that substantial and informed dissatisfaction has been expressed about our present form of county government. Because of this, none of us -- myself included -- can be sure beyond a reasonable doubt what the people of this county do want.

Public responses in both the telephone survey and in our Manhattan and Bozeman public hearings have not -- in my view -- provided a basis for a decision in favor of either the status quo or of further patchwork to the existing form of government.

I therefore urge you, my fellow Study Commissioners, to take note of the many people who have asked that the issue go on the ballot for a decision by the voters of Gallatin County in 1986.

The issue, as now defined, is whether we should continue with the present Commission form, or change to the Commission-Manager form. I think that much is clear, and I freely concede that there are many persuasive arguments on both sides.

Giving the choice to the voters would not cost the taxpayers, since it could be done on one of the two scheduled ballots -- in June or November -- and it would settle conclusively what the voting majority wants, not just a majority of this Study Commission. I would remind you that we were elected to study county government -- not as a "Board of Experts" to decide the question for the residents of this county.



I believe that a decision on our part to put the question to the voters of Gallatin County would be not only in the spirit of the Montana Constitution, but would also be faithful to our obligations as elected Study Commissioners.

It might be more expedient, and certainly would be less work, for a majority of this commission to pronounce judgment that it is confident about what the people of Gallatin County want -- all the people of the county -- rural, urban and suburban.

But I don't think that we can -- in good conscience -- conclude that the evidence is that clear for one form of government or the other.

I have placed my cards on the table -- face up -- and I think it is time for each member of this commission to do likewise.



Mike Ward  
Study Commission  
Gallatin County

## Letters

# County runs fine on good ol' horsepower

Thanks for the two fine articles on Feb. 19 which pointed up the difference between our "horse and buggy" county government and the space-age administration down at City Hall.

Two months ago a couple of the highest paid county horses voluntarily resigned after it was discovered that they were hauling quite a bit of their own hay in the county buggy. The computer programming horse was soon replaced by a highly qualified professional who is hauling his full share of the (Gallatin) county load.

The administrative horse's spot, however, remains vacant, thanks to a novel (by governmental standards) idea held by two of the three lead horses. That idea is that the slack can be taken up by the many remaining horses, thereby saving the taxpayers \$32,000 or more. From all indications, it appears as if Commissioners Visser and White are being proven correct in their hunch. Of course, two or three of the remaining horses are grumbling over the slightly increased load they must now pull.

While county government is busily finding ways to save money, look what's happened at our "modern" City Hall. ("Modern," you understand, refers to a building full of highly qualified hired administrators.) It seems there was a \$92,000 miscalculation of the salary money needed to lubricate this finely tuned governmental machine.

How will this new city problem be dealt with? I suspect the obvious answer will be to hire another administrator to oversee the budgetary calculations of the other administrators.

I guess I'd rather have a bunch of hard-working horses pulling my buggy in the right direction than a speedy automobile with every-increasing demands for stops at the gas station.

John Nehring  
Bozeman

## Suburbanites slighted

I am one of the 5,000 to 6,000 suburbanites living within the jurisdictional area of the Bozeman City-County Planning Board. Ray White and Wilbur Visser have voted to give us no representation on the board. Until now, we have had three seats.

At the same time, White and Visser have decreed that 250 or maybe 300 farmers and ranchers will have a majority; five of the nine seats on the board, despite Jane Jelinski's motion to open up and publicize the openings so suburbanites could also apply and be represented.

Where is the fairness? Where is representation? Where is democracy? Where is accountability to the voter?

And what is going to happen to the Master Plan? It sounds like uncontrolled growth and mounting inefficiency.

When 5 percent of the population is catered to by our two county commissioners, and the voices of 6,000 county residents are suppressed, it's time for the voter to wake up.

Pat Griffith  
Bozeman

## P.4 Bozeman Chronicle, Feb. 5, 1986 Commission-manager would be best government

Double standards and hypocrisy are sad features of everyday life. Calling attention to those who display these traits in public, and on public issues, is one way to deal with the problem. Two of our more vocal fellow citizens recently exhibited their "don't do as I do — do as I say" views.

As an elected county government study commissioner, I have worked to generate interest in a subject that is tiresome to many people. Thus, no one was more surprised and pleased when more than 130 county residents turned out for our public hearing on county government on Jan. 9.

Some well-informed and well-expressed thoughts were spoken and put in writing. So, too, were some far-out allegations. Now that I have read the transcript of the hearing, I thought Chronicle readers should have a chance to read what we listened to.

Brad Johnson warned that the commission-manager form of government — which I endorse — would "abandon the electoral process" and would be a "quantum leap from elected government to appointed government." Mr. Johnson happens to be the appointed manager of the fairgrounds, and he was appointed to his job by an appointed Fair Board — a considerable remove from the electoral process he so unctuously reveres. One might be forgiven for wondering about the sincerity of his concern.

John Nehring really got carried away in agreeing with Mr. Johnson. He solemnly charged that "what we're looking at here is a very cataclysmic, either/or choice with extreme ramifications . . . a whole 180 degree change" — whatever that is

supposed to mean.

My proposal is, in truth, a modest change to improve representation and to nail down accountability in county government, but Mr. Nehring sees "very cataclysmic" consequences in that.

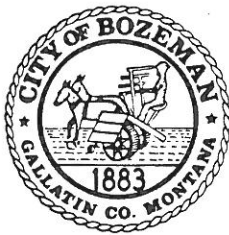
John Nehring, you will recall, has lost four elections since he's been here, and most recently was passed over in his latest search for employment — namely a bid to be appointed as county auditor. One can appreciate his disillusionment with both the elective and appointive avenues to public office.

Finally, Brad Johnson accompanied several Fair Board members who recently petitioned the Bozeman City Commission for a waiver of fees during the Winter Fair. Bozeman, you know, has the commission-manager form of government. I saw no signs of disapproval on his part when the City Commission deliberated the question and then voted to give the Winter Fair a nice break at the expense of Bozeman's taxpayers.

The commissioners who took this action were, of course, elected by their fellow citizens, and each is accountable by public vote for all their actions. The city manager was silent throughout the debate and had no vote. He carries out the commission's decisions.

I happen to think that is a very good way to do things.

Mike Ward  
County Study Commissioner



THE CITY OF BOZEMAN

411 E. MAIN ST. P.O. BOX 640 PHONE (406) 586-3321  
BOZEMAN, MONTANA 59715-0640

February 4, 1986

Mr. Vernon Westlake, Chairman  
Gallatin County Local Government  
Study Commission  
Law and Justice Center  
615 South 16th Avenue  
Bozeman, MT 59715

Dear Vernon:

Recently you requested information on City funding for the past ten years. The Study Commission was to compare the City's budgets with the County's to determine the "cost effectiveness" of the two. This was being done in response to statements in a recent meeting.

It seems to me that one should consider more than one factor in trying to respond to the underlying question of cost effectiveness of government. To look at numbers and mill levies from year to year is not enough. A few examples:

1) Federal/State Legislation.

Legislative changes can and do result in vast differences in revenues both up and down for an entity; i.e., business inventory tax, oil severance tax, etc. Tasks can be mandated through federal and state legislation without a compensating revenue, such as pretreatment of sewage by certain users, monitoring of groundwater near landfills. Probably one of the largest impacts to local budgets will be loss of revenue sharing and/or P.I.L.T. monies. The DUI legislation has changed costs on enforcement and in courts for entities due to requests for court appointed attorneys.

2) Annexations.

These actions usually require provision of some services until developments occur such as police protection, road maintenance, engineering and staff administration.

3) Delinquent Taxes and SID's.

Lack of payment may require additional taxes to be levied, i.e., SID revolving fund, or special levies. Delinquency rates run eight to twelve percent per year.

4) Local Special Districts.

Sprinkling (sweeping of streets) districts and lighting districts may be requested in confined areas and are to be paid for by the entity and then be reimbursed. These costs are reflected in the budget before repayment.

5) G.O. Debt Retirement.

These payments and the levies to support them are approved by specific authorization of the voters and property owners and appear as a levy in the property taxes. The City has (in the past ten years four such levies) had special amounts set forth in the ballot question.

6) Special Levies.

Next year the City will levy up to eight mills for a voted approval of a fire truck. In the late 70's and early 80's a special levy was approved for the removal of the general fund deficit.

The police and fire retirement funds fluxuate in need from one year to the next to maintain the pension funds on an even basis--e.g., 1985--18 percent City contribution; this year--13 percent plus.

These are items I can think of off the top of the head that can affect the budget in dollars and levies. There are others such as different standard requirements, i.e., sidewalks and curbs and gutters, which must be maintained. It is hard to compare on a dollar and levy basis. The cities and counties have many basic different functions.

Vernon Westlake, Chairman  
Page Three  
February 4, 1986

One thought that comes to mind is that usually a successful private business has someone in an executive position (may be the owner) who is educated in the business formally and/or practically and has substantial knowledge of the business which is being conducted. The cities and counties could benefit from someone trained either formally and/or practically educated in the "business."

Sincerely,

James E. Wysocki  
City Manager

JEW/lh

cc: Gallatin County Local Government  
Study Commission Members  
City Commissioners



# County government working better than city's

## Letters

Two letters in The Chronicle, "Let people decide," and "Let voters speak," by Peg Hileman, stated facts, we should always get out and vote.

Consider our county commission type of government, the one we have at the present time. No doubt Mike Ward, Bradley, Vincent and Eck presented themselves very favorably in favor of the commission/manager form.

Our county is financially solvent. Some cities in Montana voted to change commissioner forms and found it to be more expensive. Is there any reason to believe we could do differently?

Our county commissioners are not bureaucratic. I was appointed by them on the County Tax Appeal Board and served for seven years. During that time, they presented tax problems to the three of us on the board, but never even hinted that we had to follow their wishes.

Now look at the city with the commission/manager form of government. They are not financially solvent. Is this one of the reasons for the huge increase in water rates? This has been taking place for several years. The citizens of Bozeman (not newcomers) should remember when we could only water on even days, and for some on odd number days. Next we were asked to water in early mornings and late evenings. What has to be done — raise the rates all in one fell sweep?

Some of the city fathers underestimated the number it would take to operate the new disposal plant from 1½ members to 4½ members. They also underestimated the cost of operating the new settling basin by about 10 times.

The city wants to change our system of collecting garbage from our present garbage cans to dumpsters. This has proven more expensive in other cities. Why use this system when they plan on laying off help?

I attended one city meeting when the question came up about allowing approxi-

mately 30 acres on South Third to be developed. Many residents living on south third and a few others spoke against the project. One developer (contractor) and one connected with the city (not a member of the commission) voted for the project. The city sided with the two yes votes. This is a bureaucratic form of government at work.

Do you want our present form of county government or the city commission/manager? Look well to your ballot and vote for the good of the cause, the right to vote and have something to say about taxes. Do not change and the county/manager form appoints our elected county officials; to name a few — sheriff, assessor, county superintendent and the other elected officials.

John N. Thompson  
Bozeman

### 'Stick to facts

I must respond to Mike Ward's letter published Feb. 5. I respond in defiance of those who were ridiculed for their views. They gave their opinions at the meeting that night, as many did, but Mike Ward prefers to make personal attacks toward them. In this republic we have freedom to our opinions. Maybe Mike Ward would like to have that changed, too, in his new form of government. Let's stick to the facts, Mike Ward, and turn off your malicious remarks.

J. Craig White  
Gallatin Gateway  
2/9/56 C, P-4

### Ward out of order

The Gallatin County Government Study Commission wishes to address the letter to the editor written by Mike Ward, a member of this commission, in the Feb. 5 edition of The Bozeman Daily Chronicle.

We as Study Commission members feel Mr. Ward was out of order as a member of the commission that advertised a public meeting and invited comments from the public on county government without fear that he or she would be criticized by name.

We as members of the Study Commission feel his statements were inappropriate.

Vernon Westlake, Chairman  
Barbara Paugh  
Elsie Townsend

Marian Hollenback, ex-officio (member)  
Gallatin County Study Commission

2/12/56 C

### Power-grabbing plan

I wish to respond to Mike Ward's suggestion that I oppose his proposed changes to county government because of my "disillusionment with both the elective and appointive avenues to public office."

I want to state most emphatically that Mr. Ward has never queried me as to my motivations for opposing his scheme or, for that matter, any of the other power-grabbing schemes that I have publicly opposed (and for which he has roundly taken me to task).

The liberty Mike takes in so grossly misrepresenting my views and motivations leads me to question the relevance of his other stated reasons for wanting to change our system of county government.

I have taken the time and trouble to oppose Mike's power-grabbing scheme precisely because I love and cherish our system of representative government. County government is the last bastion of that system which has not gone the way of other non-responsive bureaucracies.

We currently have a county government system which provides easy access and accountability in the day-to-day matters which concern most voters and taxpayers. And the history of county tax rates vis-a-vis city mill levies speaks well for county government efficiency.

I stand by my Jan. 9 public statement that Mr. Ward's proposal represents a "cataclysmic" change. Throwing away virtually all of the current elective offices and replacing them with appointed bureaucrats, is not the "modest change" that Mike would have us believe.

I hope the other members of the County Government Study Commission have the fortitude to relegate Mike Ward's proposal for non-representative county government to the limbo it so richly deserves.

John Nehring  
Bozeman

2/13/56 C

## Voters responsible

### enough to pick good officials

The people who want us to change our system of county government have questioned our ability to elect qualified people to the various county offices. It's true that the legal qualifications for most of these offices are indeed minimal. Almost any registered voter can run for almost any county office. And some of the people who have run for office in the past did so with questionable qualifications.

Fortunately, though, we voters have usually demonstrated enough good sense to deny public office to those who were not qualified. But the vocal minority who want to impose a bureaucratic form of county government on us don't trust our judgment to continue to elect good people to office.

They don't trust our ability to distinguish good candidates from bad ones. Yet, they have the utmost confidence that we voters will adequately educate and inform ourselves this fall to make the very complex choice between two completely different systems of government.

Count me as one of the many people who still want to help decide who sits in the various county offices. I vote for the present form of county government.

Harold J. Kimm  
Manhattan

BDC FEB. 21, 56

# County study commission censures Ward

By TERRY SACKS  
Chronicle Staff Writer  
*Feb. 12, 1986*

The odd-man-out of the Gallatin County Government Study Commission has had his hand slapped for a letter to a newspaper in which he criticized statements of two speakers at the commission's public hearing in January.

Commission Chairman Vernon Westlake called the special meeting Monday, and said Commissioner Mike Ward's Feb. 5 letter to the editor of The Chronicle was "out of order."

Commissioners Westlake, Barbara Paugh, Elsie Townsend and secretary Marian Hollenback drafted a terse letter of rebuke, criticizing Ward for blasting statements of Brad Johnson and John Nehring, both of whom spoke at the Jan. 9 hearing. Commissioner Jim Story was absent from Monday's special meeting.

Johnson is a former aide to U.S. Rep. Ron Marlenee, R-Mont., as well as the administrative assistant to the Gallatin County Fair Board. Nehring has been a frequent candidate for public office, most recently losing his bid in the 1984 Republican primary for the state House of

Representatives.

Ward is an outspoken advocate of reforming county government from its three-member elected commission form to a commission-manager organization. In the Feb. 5 letter that the commission objected to Monday, Ward criticized Johnson's statement that a commission-manager form of government would be a "quantum leap from elected government to appointed government."

The letter continued, "Mr. Johnson happens to be the appointed manager of the fairgrounds, and he was appointed to his job by an appointed Fair Board — a considerable remove from the electoral process he so unctuously reveres."

Ward's public criticisms might discourage others from speaking in future public discussions of the commission, Westlake and Paugh said. Westlake said that people should be able to say what they think in public hearings "without fear of being criticized or named in the public media by a member of the group that was conducting a public hearing."

Ward said it is not considered improper in a free society to criticize public figures. Both Johnson and Nehring were public figures

"by any definition" of the term, Ward said.

When contacted Monday to respond to the commissioners' action against Ward, Johnson said, "I don't feel there's a need to respond publicly to Mr. Ward." When asked whether Ward's letter might keep him from speaking out in public on future occasions, Johnson said it would not.

In a later interview, Ward questioned the other commissioners' ers.

assumption that his criticisms would hinder public debate. "If true, that would be regrettable," he said. "I just don't think it's true. If people are interested enough in stating their views, they'll have their say."

Ward said that if a similar situation arose in the future, he "would not hesitate about speaking out," even if he should again garner the wrath of the other commissioners.

# County manager alternative may go on ballot

By TERRY SACKS  
Chronicle Staff Writer

Gallatin County voters may get a chance to vote in November on whether to change county government — unless opponents of change can reverse a decision made Thursday.

The Gallatin County Government Study Commission voted 3-2 Thursday to adopt a tentative report that would place the issue on the November ballot.

Voters would have a choice of retaining the commissioner form of government, in which three elected commissioners run county government, or adopting a commission-manager form. The city of Bozeman has a commission-manager form, in which an elected commission sets policies and a hired, professional manager runs the government day-to-day.

Commissioners Mike Ward, Elsie Townsend and Barbara Paugh voted in favor of Ward's motion. Commission Chairman Vernon Westlake and Commissioner Jim Storey voted against the motion.

Ward has been an outspoken advocate of change, calling the present form a "horse and buggy" system. Paugh, Westlake and Storey have gone on record supporting the present system. Townsend said she is undecided.

"I am willing to accept the voice of the people on this matter," Ward said at the meeting. "I will attempt to influence them as each of you people will, I'm sure.... I will be more than content to accept the determination of the voters and I

believe they have that choice."

Said Paugh: "I would like to go on record and say that I will vigorously campaign for the present form of government, even though I am voting to let the voters have a choice."

Paugh said later it would be contradictory to advocate elected government yet not give people a chance to vote on the matter.

"I think Barbara Paugh did a very courageous thing," voting in favor of placing the issue on the ballot when she believes the present form of government should not be changed. Ward said.

But a legal question remains. It's unclear whether the vote Thursday could be overturned after the public hearing or hearings on the tentative report.

Gallatin County Attorney Mike Salvagni said today he will study the question and write a formal opinion for the Study Commission within the next few days. Governments elsewhere in the state are facing the same question, and the Montana attorney general is expected to render an opinion for Cascade County soon.

Ward said he believes only details of the commission's tentative report can be changed, but not the decision to hold an election.

That voters should have a choice between the present system and a commission-manager form "is implicit in the whole exercise" of the commission's work, he argued.

Commissioner Jim Storey said he hopes the tentative report would be reversed in the public hearing.

See COUNTY, page 2

## County / from page 1

Storey said he voted against holding an election because voters elected the commissioners to study the alternatives and decide if any are better than the present form of government. Having gone through that process, Storey wrote, "The commission-manager form of government would be unconscionable.... For one person to be given the

power to control all aspects of county operation is a frightening and appalling prospect."

Storey said in an interview a "danger" exists that the issues won't be "fully explained" to the public, which won't have the same information as the study commission has had to decide the matter.

Both Westlake and Storey said that the present system allows for change to deal with any problems that might arise. Storey said, for example, that a recall election can be held when 15 percent of registered voters petition for it.

consists of an elected commission and an appointed manager, "responsible to the commission for the administration of all local government affairs...."

Under Montana law, the commission-manager form of government

The commission form consists of an elected commission and other elected officers. Commissioners make all legislative and administrative decisions.

# Study panel has power to change mind

By TERRY SACKS  
Chronicle Staff Writer

Gallatin County voters might not get a chance to vote on what kind of government they want because of an opinion issued this week by Gallatin County Attorney Mike Salvagni.

The Gallatin County Local Government Study Commission, charged with deciding what, if anything, voters should vote on, asked Salvagni whether the commission could change a decision to let voters decide on keeping the present commissioner form of government or changing to a commission-manager form.

The Study Commission voted 3-2 on Feb. 13 to draft a "tentative report" that would put the question on the November ballot.

The tentative report is to be discussed at one or more public hearings in April. It had been unclear whether, as a result of the public hearings, the commission could alter the general recommendation of the first report or change only specific details in the final report.

"If the tentative report could not be changed, then having public hearings seems to be a futile requirement," Salvagni wrote in the lengthy opinion released Thursday.

Commissioner Mike Ward, a strong advocate of changing the present system, called Salvagni's opinion "well-reasoned and thorough."

Ward and commissioners Barbara Paugh and Elsie Townsend constituted the majority in favor of putting the question on the ballot, saying voters should have the final say.

Ward has said decision-makers in the present form of county government aren't accountable because power is so dispersed. He's called the present form a "horse and buggy" operation.

Paugh is a strong supporter of the existing system and said two weeks ago that she would campaign vigorously for the status quo. Townsend remains undecided.

Chairman Vernon Westlake and Commissioner Jim Storey voted against putting the question on the ballot. They say that after studying the issue for several months, they believe the existing form of government works well and provides all necessary tools for any needed changes. They argue that elected officials, such as the auditor and clerk and recorder, provide accountability in government.

Although the public hearings could change the outcome of the final report, the majority opinion appears to be intact. Ward, Paugh and Westlake said in interviews that a vote would be a more accurate reflection of public opinion than a public hearing.

"The judgment of the majority (of the commission) is a reflection of the fact that a large number of people want the issue to be voted on by the people," Ward said today.

Paugh said, "Unless there is a lot of public outcry," at the public hearing, the choice designated by the majority report will remain on the ballot. Besides, she added, "most people just don't get up and talk" in public.

Storey said today he hopes the proposed ballot measure can be deleted as a result of the public hearing. The off-year (non-presidential) election would probably dampen voter turnout, and not necessarily be a better reflection of opinion than a public hearing, Storey said.

Westlake was out of town today and could not be reached for comment.

Salvagni's opinion said the majority report could be changed to any of the several options the commission has the power to decide. These include the option to hold a vote on the commission-manager government and the "no recommendation" option.



# Voters turn to choose

*Study panel puts issue where it belongs — with the voters*

To the uninitiated, it may sound like the dullest of questions: Should Gallatin County change its form of government?

But don't yawn. This question is not something out of a dry civics textbook. It is likely to spark a red-hot debate in the coming months, with passionate arguments on both sides.

Thanks to the group elected last fall to scrutinize county government, voters will get a chance to hear those arguments and make their own decision.

The issue will go on the ballot in November because the Gallatin County Government Study Commission voted 3-2 Thursday to put the matter to the electorate.

The deciding vote was cast by Barbara Paugh, who showed her faith in voters. Though she is satisfied with the present form of county government, she said she believes voters should be the ones to decide. She promised to campaign vigorously to defeat any change.

The ballot measure will ask voters whether they prefer the present commission system or the commission-manager form of government. The county now has three elected, full-time commissioners who make most decisions and work with several other elected officials. The city of Bozeman has one form of the commission-manager system, with five elected commissioners who set policy and a professional manager hired to carry out their policies.

Even supporters of the present arrangement for Gallatin County government must recognize that holding an election is the right way to settle the matter. Public opinion is split.

Advocates of change dominated a recent public hearing, attended by more than 100 people. Yet a phone survey found that most of those questioned support keeping things as they are now.

Neither phone surveys nor public hearings are adequate substitutes for an election — or for the full debate that will precede it.

Jim Storey, who voted Thursday against putting the commission-manager alternative on the ballot, said he fears the issues won't be fully explained to voters, who won't have the benefit of all the information the Study Commission has had.

But with the election more than eight months away, and the fervent desire of both sides to win the hearts and votes of county residents, there will certainly be a complete airing of the pros and cons.

The Chronicle has said before that Gallatin County should change to the commission-manager form of government. Mike Ward, the study commission member who has pushed to put the question on the ballot, is right when he calls the present system a "horse and buggy" relic. Though any form of government can be abused, the commission-manager arrangement would tend to promote greater professionalism, efficiency, openness and public accountability.

However, supporters of the present system have strong arguments of their own to put forward, and they may well prevail when the election is held.

Both sides have asked the county attorney whether Thursday's 3-2 decision to put the matter on the ballot can be reversed later, after public hearings.

The vote should not be reversed. Both sides should accept the challenge of debating the issue and letting voters have the final say.

# GALLATIN COUNTY

## OFFICE OF THE ATTORNEY

615 SOUTH 16th AVENUE  
LAW AND JUSTICE CENTER  
BOZEMAN, MONTANA 59715  
TELEPHONE: (406) 587-3161

MIKE SALVAGNI  
COUNTY ATTORNEY



February 24, 1986

Mr. Vernon Westlake, Chairman  
Gallatin County Local Government  
Study Commission  
Bozeman, MT 59715

Dear Mr. Westlake:

You have asked for my opinion on the following question:

May the decision of the Gallatin County Local Government Study Commission to prepare a tentative report pursuant to Section 7-3-186, MCA, recommending that the voters be given a choice on the November 4, 1986, ballot between the present form of county government and the commission-manager form of government be changed in the final report?

In preparation for this opinion I have reviewed the minutes of your meeting held on February 13, 1986. At that meeting the study commission made a decision, by a 3 - 2 vote, to prepare a tentative report which recommends that the voters of Gallatin County be given a choice on the November 4, 1986, general election ballot between retaining the present commission form of county government or changing to a commission-manager government. After reviewing your minutes, it is my understanding that there have been no decisions on the structural sub-options which are required by Section 7-3-311, MCA, for the commission-manager government. I assume that the definition of the structural characteristics of the commission-manager form will be made part of the tentative report by the local study commission prior to the distribution of the report.

In answering your question, I think that it is important to review the purpose and function of the local government study commission and the alternatives available to the commission. As you know, the purpose of the study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state. Section 7-3-172, MCA. The study commission may recommend the following: amendments to the existing commission form of government (Section 7-3-401, MCA); a change to a commission-executive form (Section 7-3-201, MCA); a change to the commission-manager form (Section 7-3-301, MCA); a change to commission-chairman form of government (Section 7-3-501, MCA); to draft a charter as provided by Section



Mr. Vernon Westlake  
February 24, 1986  
Page Two

7-3-701, MCA; recommend municipal-county consolidation; in cooperation with the study commission in an adjoining county, recommend county merger; or submit no recommendation. These alternatives are specified in Section 7-3-185, MCA.

While the study commission has voted to give the electorate of Gallatin County the choice between the existing commission form of government (Section 7-3-401) and the commission-manager form of government (Section 7-3-301), the issue presented to me by your question relates to the interpretation of Section 7-3-186, MCA. Section 7-3-186, MCA, specifies the time table under which you are required to operate. Subsection 2 of that section provides as follows:

"(2) The time table must provide, at a minimum, the following provisions, to be accomplished chronologically in the order presented:

(a) Conduct one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government;

(b) Formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be included in the final report;

(c) Conduct one or more public hearings on the tentative report;

(d) Adopt the final report of the commission and set the date for a special election on the question of adopting a new plan of government or, if the study commission is not recommending any changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted." (emphasis supplied).

The question then becomes whether the study commission is bound to adopt as its final report the information contained in its tentative report or whether the study commission may change its decision and recommend another alternative form of government in its final report or choose to make no recommendation at all? The answer to this question depends upon what is intended by the statute and the use of the phrase "tentative report" by the Legislature. In making this determination it is necessary to resort to the rules of statutory construction used by the courts in interpreting legislative intent.

Mr. Vernon Westlake  
February 24, 1986  
Page Three

The intention of the legislature must first be determined from the plain meaning of the words used, and if the meaning of the statute can be determined, courts may not go further and apply any other means of interpretation. State ex rel. Sol v. Bakker, 199 Mont. 385, 649 P.2d 456 (1982). The courts presume, when making such determinations, that the "terms and words used were intended to be understood in their ordinary sense, unless it is made apparent from the context that they were intended to be given a different meaning." In Re Woodburn's Estate, 128 Mont. 145, 273 P.2d 391. In furtherance of the application of the plain meaning rule, the courts must "first resort to the ordinary rules of grammar, and in the absence of a clear contradictory intention disclosed by the text, must give effect to the legislative intent according to those rules, and according to the natural and most obvious import of the language, without resorting to subtle and forced construction to limit or extend their operation." Doull v. Wohlschlager, 141 Mont. 354, 377 P.2d 759.

While the Montana Supreme Court has not had the occasion to consider the definition of the word "tentative", the Pennsylvania Supreme Court in Arcuri v. Weiss, 184 A.2d 24, said the following:

"The word tentative is not an uncommon word in the English language and has been defined thusly: 'Of the nature of an attempt, experiment, or hypothesis to which one is not finally committed.' Antonyms being: definite, final, conclusive."

It is obvious that a "tentative report" may be subject to change. In further support of this conclusion is the fact that Section 7-3-186 requires that there be one or more public hearings on the tentative report. In further clarification of its interpretation of a statute after application of the plain meaning rule, the Montana Supreme Court has looked to other rules of statutory construction for guidance. State ex rel. Sol v. Bakker. The next step in the process of interpretation is to look to the purpose of the statute for guidance in determining its meaning. State v. Wese, 616 P.2d 371 (Mont. 1982).

The purpose of Section 7-3-186 is for the study commission to prepare a tentative report and distribute the report to the public. Following the conduct of public hearings on the tentative report, the study commission is required to adopt a final report. If the tentative report could not be changed, then having public hearings seems to be a futile requirement. It is only after the conduct of the public hearings as required by the statute that the study commission adopts its final report. It is

Mr. Vernon Westlake  
February 24, 1986  
Page Four

obvious that the study commission is required to receive public input concerning its tentative report before the adoption of its final report. If the tentative report could not be changed, then there appears to be no reason for conducting hearings and adopting a final report. The law neither does nor requires idle acts. Section 1-3-223, MCA.

It has been suggested that because Section 7-3-186(2)(b) requires that the tentative report contain the same categories of information required to be included in the final report that this provision prohibits the study commission from changing its recommendations stated in the tentative report. I do not agree with this conclusion.

The categories of information required to be contained in the final report are found in Section 7-3-187, MCA. The categories of information include the materials and documents required by Section 7-3-142 which are as follows:

1. A certificate containing the "plan of government" of the existing form of local government;

2. A certificate containing the "plan of government" of the proposed new form of local government or amendments to the existing plan;

3. A certificate containing the "plan of apportionment" of commissioner districts of districts that are contained in the "plan of government"; and

4. A comparison of the existing plan and proposed plan of local government, including, if desired, a statement of the strengths and weaknesses of the existing and proposed plans of local government, information that supports the adoption of the proposed plan, and information that supports retention of the present plan.

The category of information required in the final report also includes a certificate establishing the date of the special election and a certificate establishing the form of the ballot question; a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved; and a minority report signed by the members of the commission who do not support the majority proposal.

The reason for my disagreement with the suggestion expressed above is that Section 7-3-186 does not require that the

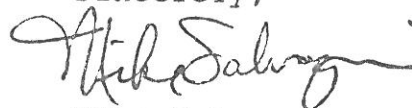
Mr. Vernon Westlake  
February 24, 1986  
Page Five

information contained in the tentative report be identical to the information contained in the final report. The statute only requires that the same categories of information be included in the tentative report that are required in the final report. In my opinion, the substance of the information between the tentative and final reports may be different in light of the statutory language.

In further support of the conclusions in this opinion, I refer to the authority of the study commission to recommend other alternative forms of government. Because the initial report of the study commission is a "tentative report", I think that the commission has the ability to change its report to include a different form or proposal other than the commission-manager form of government. As stated in the beginning of this opinion, the study commission has several alternatives from which it may choose to submit to the voters. In addition, the study commission is required to define the structural characteristics of the commission-manager form of government. Section 7-3-311, MCA. It is indisputable that the final report may contain different structural sub-options following the public hearings on the tentative report.

Therefore, in response to your question, it is my opinion that the local study government commission may change its decision stated in the tentative report following public hearings and public input at the time of the adoption of its final report. To be finally and legally bound to its decision stated in the tentative report would frustrate the purpose of the statute in requiring public hearings and allowing public input on the tentative decision of the study commission. My opinion is not meant to say that a commission member is required to change his or her mind, but a commission member has that option at the time of the adoption of the final report.

Sincerely,



Mike Salvagni  
County Attorney

MS/bl

cc: Barbara Paugh, Vice-Chairman, Gallatin County Government  
Study Commission  
Mike Ward, Member  
Jim Storey, Member  
Elsie Townsend, Member

This was Ward's draft of Tentative Report,  
as modified in Commission discussion, but  
before the A.G. opinion was requested + received.

TABLE OF CONTENTS

MTW

LETTER TO THE CITIZENS OF THE COUNTY

~~I. Summary of Recommendations~~

II. ~~A. Findings of the Study Commission~~  
~~B. SUMMARY OF RECOMMENDATIONS~~ *Alternatives*  
~~B. Key Provisions of the Proposed Form~~

1. Locating Responsibility in the County Commission
2. Separation of Legislative and Administration Functions
3. Chief Administrative Officer (County Manager)
4. Representation Broadened
5. Terms of Office Shortened

*Alternative*  
III. Comparison of Existing Form and ~~Proposed~~ Form of Government

- A. Existing Form ~~General Characteristics~~
- B. *Alternative* ~~Proposed~~ Form ~~General Characteristics~~
- C. Comparison of Specific Characteristics
- D. Recommendations and Reasons

APPENDIX

- Exhibit A: Certificate of Plan of Existing Government - } *lift from*  
Exhibit B: Certificate of Plan of Proposed Government - } *"model"*  
Exhibit C: Certificate Establishing Election Date  
Exhibit D: Certificate Establishing Form of the Ballot  
Exhibit E: Certificate Establishing Dates of Election for Officers  
of the New Government if Proposal is Adopted, and  
Establishing the Effective Date of the Proposal if  
Approved.

ATTACHMENTS

1. Telephone Survey
2. Public Hearings



LETTER TO THE CITIZENS OF GALLATIN COUNTY, MONTANA

To the Citizens of Gallatin County:

The Gallatin County Government Study Commission, elected by the voters on November 4, 1984, presents this report to you, the citizens of Gallatin County.

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

Our study commission has examined Gallatin County government closely for more than 15 months. We have compared our existing form of government with other forms available under the Montana Constitution, and we have considered alterations within the present Commission form. As part of our work, we have:

1. Attended workshops sponsored by the Office of the Lieutenant Governor to familiarize ourselves with the nature and goals of our work, and to meet with others engaged in the same kind of work in other communities in Montana;
2. Studied and discussed a very large volume of studies and analyses on local government, and conducted individual inquiries in particular aspects of local government in Gallatin County and other localities;
3. Discussed questions and issues informally with a wide cross-section of our fellow citizens and compared notes in our work sessions;
4. Interviewed virtually all elected and appointed officials in Gallatin County government, to include the three Commissioners presently serving and five former Commissioners;
5. Prepared verbatim transcripts of all formal interviews and discussions, public hearings and Study Commission meetings, and have made these official records available for public inspection at the county seat in Bozeman;
6. Conducted, with the professional assistance of the Local Government Center, MSU, a telephone survey of 338 county residents to get a representative sample of opinions about our present government and possible variations on our present government. This survey was widely publicized both before and after its completion, and the results were discussed with several community groups;
7. Held two public hearings -- In Manhattan and Bozeman -- to receive citizen input about our work and the preferences of interested persons;

8. Encouraged media involvement and complete openness at every phase of our study process, and have extended written offers to speak with groups in every part of the county;

9. Prepared and regularly reviewed a formal budget, under the scrutiny of Gallatin County budget specialists, with the objective of minimizing the costs of our work.

Throughout this extensive effort, each of us has made a sincere effort to keep an open mind and to weigh objectively the large volume of data and opinions which came to our attention. It is clear that, despite our best efforts, we have not reached unanimity on the form of government which can best serve the people of Gallatin County in the future.

(2) > A majority of our membership has concluded that while the present Commission form of government is not ideal in all respects, it is nonetheless basically sound and capable of continuing to deliver services and performing statutory functions effectively. Accordingly, the majority favors retention of the Commission form and does not advocate a change to any other form.

The minority view holds that the present Commission form is no longer adequate to deal optimally with the present and future needs of the residents of Gallatin County, and that conversion to the Commission-Manager form would best serve county residents.

Under state law, the majority view could have been formally adopted and issued to the public, and the Gallatin County Government Study Commission could thereby bring its work to a conclusion.

Other considerations, however, have persuaded us that such a summary judgment would not be appropriate. We are impressed with a substantial expression of dissatisfaction with the present form of government in our county, or with key features of the present form. We are especially mindful that an apparent majority of those who have given oral or written testimony to this body has urged that the question be put to the voters as a ballot issue this year. At the same time, we acknowledge that many residents have indicated their preference for the continuance of the existing form of government.

Therefore, in recognition of our uncertainty as to the prevailing public preference on this issue, and in keeping with our responsibility to the voters who elected us to carry through with this undertaking, we have concluded that the electorate is entitled to express its judgment in a general election. We recognize that this is an unorthodox conclusion, but we believe that it is not only within the spirit of the Montana Constitution and applicable statutes, but is also faithful to our sworn responsibility as Study Commissioners.

It is our decision, therefore, that the choice of retaining the present Commission form of government, or of adopting the Commission-Manager form of government will be placed on the ballot November 4, 1986, for the residents of Gallatin County to decide.

Respectfully submitted:

Barbara Paugh, Member

Elsie Townsend, Member

Mike Ward, Member

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Gallatin County Government Study Commission

A. Findings of the Study Commission -- In a Word, "Mixed"

1. Interviews with present and former Gallatin County Commissioners.

Two of the three present County Commissioners prefer to retain the present form of government, and three of five former Commissioners also expressed similar views. Those who did not favor the present form all felt that the Commission-Manager system would be better.

COMMENT: Whereas we take proper note of these positions, none of us feels ~~these~~ should be given special weight, since personal interests and experiences are necessarily involved.

2. Telephone survey.

A survey of 338 county residents was conducted prior to any significant public awareness of our work, or of the alternatives to the present Commission form of government. (The survey and all relevant documentation are attached; see Attachment 1.) The responses to this survey indicate broad satisfaction with the present form of government, but also indicate a preference for change in several particular aspects, not all of which would be possible under the Commission form. In short, the results are subject to varying interpretations.

3. Public hearings.

Hearings were held in Manhattan on Dec 5, 85 and Bozeman on January 9, 86. A tabulation of attendance and expressed preferences is at Attachment 2. A wide range of views was recorded, with no single preference predominating, although the small turnout in Manhattan was clearly in favor of retaining the status quo. The much larger crowd in Bozeman seemed -- numerically, at least -- to favor a change to the Commission-Manager form.

4. Newspaper comment and Letters to the Editor

The Bozeman Daily Chronicle took a consistent stand in favor of change to the Commission-Manager form of government and of putting the question on the ballot. Letters to the Editor were about evenly split between keeping the present Commission form and changing to the Commission-Manager form. While members of the Study Commission were attentive to these editorials and letters, they were not considered in any way a decisive indicator of general public preference.

5. The Deciding Consideration -- "Put it to a Vote"

The one public response that came through loud and clear, even as people disagreed on their personal preferences, was that an overwhelming majority are willing to let the voters decide the issue between the present form of government and change to the Commission-Manager form. By a Study Commission vote of 3 in favor, 2 opposed, it has been determined that this course of action will be followed.

COMPARISON OF EXISTING FORM OF GOVERNMENT  
AND COMMISSION - MANAGER FORM OF GOVERNMENT

The Existing Commission Form

A. General Features of the Commission Form

The Commission form may be characterized as a loose federation of administrative units operating under a budget approved by a Board of Commissioners. The Commissioners, usually three elected persons who serve long and overlapping terms in office, perform executive, legislative and administrative functions as specified by state law. They have very limited authority over the large number of elected department heads who administer the various offices comprising county government. Commissioners have some flexibility to appoint and supervise special assistants as the need is perceived and funding is available.

The Commission form has operated in Montana with little structural change for more than a century. It is distinguished, as noted above, by a large number of elected officials who operate autonomously with minimal managerial supervision. The Commission form has historically been confined to a role as an arm of state government, possessing little independence of action or initiative, although some loosening of state control has taken place in recent years. Commission government is best suited to jurisdictions with stable populations and traditional life styles. In structure and in practice, it tends to inhibit change and to perpetuate the status quo.

B. The Commission Form in Gallatin County

Gallatin County has three Commissioners who are elected for six year overlapping terms. Ten other elected "row officers" who serve four year terms supervise departments whose responsibilities are almost totally prescribed in state statutes. Many boards, commissions and special districts -- both elective and appointive -- also operate



within the loose framework of Gallatin County government. Some of these are advisory and others have significant powers.

Commissioners and row officers are elected by partisan ballot, and with the single exception of the Superintendent of Schools, none need possess any qualifications other than citizenship, residency and having reached the age of 18. Only Commission candidates must reside a prescribed district to run for election, and all elections are at-large (county-wide).

There are more than seventy taxing districts in Gallatin County, the largest being the incorporated cities and towns -- Bozeman, Belgrade, Manhattan, Three Forks and West Yellowstone. More than 300 various property tax laws are administered by county offices. Most of the cost of county government is for people -- salaries, benefits and such.

The Commissioners, in their executive role, are responsible for overseeing the administration of county business, as set forth in state law. They have limited ordinance making powers and exercise control of county affairs principally through their approval of the budget and the setting of property tax levies. They can also issue bonds, enter into contracts, approve claims, and may buy, sell and lease county property. They also appoint members of boards and commissions, as well as those department heads and special assistants who are not elected.

The Commission names one of its own members to serve as Chairman. Although this person is nominally the head of county government, the chairman's powers in no significant way exceed those of the other Commissioners. They serve full time and set their own work schedules. The current commission normally holds one public meeting each week, but meet as a Board of Commissioners more frequently. Their offices are remote from the public, on the third floor of the Courthouse.

In addition to the three Commissioners, ten other officials are now elected in Gallatin County:

|                         |                      |
|-------------------------|----------------------|
| Sheriff                 | Assessor             |
| County Attorney         | Auditor              |
| Clerk of District Court | Supt. of Schools     |
| Clerk and Recorder      | Coroner              |
| Treasurer               | Public Administrator |

Until 1985, the Surveyor was a separate, elective office, but has since been subordinated to the office of Clerk and Recorder and will no longer be an elective position.

The salaries, powers and duties of these elected officials are determined by state law. Thus, under the present form of government or under one of the other optional forms available in state statutes, these would change only by legislative action.

Numerous boards, commissions and special districts also operate in Gallatin County to administer services. Their authority ranges from advisory agencies which report to the Commission to those which operate independently of Commission control, but under state guidelines. Members of these various entities may be appointed by the Commission, but in some cases are elected by the districts directly concerned.

#### Delivery of Services

The majority of services are provided by county departments headed by elected and appointed officials, while others are provided by boards and special districts. In some cases these boards and districts provide services which the county, under state law, does not have the authority to provide directly. In other instances, the county acts as an agent of the state to provide "traditional" services, such as elections and property tax collection.

County governments are increasingly being pressured to expand the

kinds and extent of services, and Gallatin County is no exception.

Major services provided by Gallatin County government include:

Public safety and judicial administration (law enforcement, county attorney and justice courts)

Social services (health, welfare, nursing home, ambulance service)

Land use control (subdivision review, resource exploitation)

Agricultural and rural services (Cooperative Extension Service, weed control, fire protection)

Maintenance of roads and bridges

Elections

Financial administration and record keeping

Power and Authority of County Government

Local government prior to 1972 operated under the "Dillon Rule", a judicial interpretation that restricted local powers to those specifically granted by the State Legislature. It further provided that if any doubt existed concerning local government power to act, the power was denied. But under Montana's new constitution, the powers of local government have been marginally strengthened, even for those entities which continue under general powers (rather than self-government powers.) Local governments with general powers still depend on the Legislature for grants of authority to act in specific areas or situations, but these grants are to be "liberally construed." Court interpretation of law must give preference to local government's right to exercise power in case of doubt. Thus far, this has not amounted to much freedom in practice, but may increasingly liberate local governments in the future.

Self government powers are not available under the Commission form of government; only general powers may be exercised by Gallatin County government. The rationale for this limitation is that self-government powers potentially increase the freedom of local government. An executive office separate from the legislative branch is held essential in

order to secure leadership and accountability. As noted, Gallatin County Commissioners have very limited authority over other elected officials and the employees under them. Commissioners can supervise those whom they appoint, but virtually the only control they have over departments headed by elected officials is through the budget. Even this control is tenuous, since Commissioners have no authority to decide what or how many departments perform their jobs. Thus, when problems surface in departments headed by elected officials, it is rarely possible for the Commission to isolate responsibility and deal effectively with problems. In essence, nobody is in charge of Gallatin County government, or of any government operating under the Commission form.

#### Problem Areas

The Final Report of the Gallatin County Government Study Commission, dated September 1, 1976, summarized the situation at that time thusly:

Gallatin County's traditional County Commissioner form with row offices, similar to the majority of county government throughout Montana, suffers a common criticism: mainly (sic) that public services are inefficient and expensive. In this county the eleven elected officials have primarily administrative duties, rather than policy-making. For the most part, these officials operate autonomously without formal coordination, and their duties often are not clearly defined.

Consolidation or elimination of some county offices or merely contracting out some services, may result in some savings of administrative costs. But to achieve maximum efficiency and economy, only coordinated effort, centralized responsibility, simplified record-keeping, and selection of personnel on a merit basis will do the job. Such maximum efficiency is difficult under present county administrative procedures with numerous elected, independent officers.

Little has changed in ten years to alter this 1976 assessment.

The costs of Gallatin County government have continued to rise. Some efficiencies have been realized by the creation of appointive positions, but these have been more than offset by losses of School Foundation monies and by the higher salaries paid to some key appointed officers.

On balance, it is difficult to show that our county government provides services and performs mandated functions much more effectively than it ever has. The usual ways of doing the county's work continue, while the type and scope of problems continues to enlarge and diversify.

Summary of the Commission Form in Gallatin County

The county continues to grow in population, and the shift from rural to urban life styles and problems is no longer debatable -- it is a fact. County government has superimposed a number of modernizations onto the old house, and for the most part the county has enjoyed honest and competent service from county employees.

But the basic structure of county government is antiquated and rigid. It is characterized by too many elected administrators who work in discrete enclaves without effective centralized management. Control by budget merely perpetuates the annual scramble to keep the division of funds essentially the same as last year. Commissioners' terms are widely agreed to be too long, competence is more a matter of luck than of management, and representation is skewed and inadequate.

The Commission form of county government could probably continue to function in a marginally effective way if the electorate is either denied the option of adopting another form or decides in an election to retain it. Two trends are increasingly apparent and relevant, however:

- (1) Costs under the Commission form are virtually certain to rise, while resources are unlikely to keep pace, and probably will dwindle;
- (2) The county's population is increasingly urban/suburban, and there is growing recognition by an informed electorate that the old ways of doing the county's work are no longer good enough.

The question is: How do the voters want to resolve the issue?



AG Opinion on County Govt. Study Commission Decision

The AG has held that the Gallatin County Government Study Commission must "recommend" an alternative form of government, rather than "offer" an alternative in order that the voters may have the chance to decide. This comes very close to a "distinction rather than a difference," but I accept the AG ruling without objection.

It seems to me that the course for the Commission is clear. I will offer a motion to recommend to the voters the alternative of voting for the Commission-Manager form of government for Gallatin County. It is to be expected that Commissioners Westlake and Story will oppose such a motion, since they have consistently opposed any change since before they were elected to the Commission. That places the decision for the next ten years squarely in the hands of Commissioners Paugh and Townsend.

Commissioners Paugh and Townsend have spent the past 15 months studying -- and learning -- about the plusses and minuses of different forms of local government. They have, like me, come to recognize that both our present Commission form and the Commission-Manager form have advantages and disadvantages. More to the point, however, they have recognized that there is a definite division of opinion among county residents about which form they think will best serve the residents of the county. They both took this into account in their vote to give the decision to the voters in November 1986, realizing that the issue would fester for ten years if the voters were denied the opportunity to make the decision.

Thus, Commissioners Paugh and Townsend will now have their chance to make another decision. They can decide to keep the Commission form of county government in place until near the end of this century

Mike Ward

This was just an effort to get my thoughts organized. It wasn't addressed to anyone in particular, and as I recall, was never given or shown to anyone.

(u)

## B. Key Provisions of the Proposed Alternative Form of Government

### 1. Locating Responsibility in the County Commission

Under the present Commission form of county government, thirteen elected officials -- three Commissioners and ten "row officers" -- hold various aspects of government under their collective or individual control. The Commissioners have budgetary control over the "row offices" but little or no control over the effective and efficient performance of the work performed in these offices. The Commissioners do control the functions that are headed by appointed officials. The ten "row officers", however, can be held to account only by the elective process each four years, or by the rarely used and legally difficult recall procedure.

Under the Commission-Manager form of government, an elected Commission is fully and finally responsible for the performance of all aspects of government in its entirety. There is no diffusion of authority or responsibility, and accountability is clearly established. The Commission by majority vote establishes policy and delegates the full responsibility for its execution to the Chief Administrative Officer, usually known as the County Manager. The Manager is specifically given full authority and responsibility for the management of employees and resources, and may be replaced by majority Commission vote if he/she fails to perform as the Commission expects.

Some members of the public mistakenly believe that the County Manager would have too much power under the Commission-Manager form. The truth is otherwise, because all authority and responsibility is unambiguously located in the Commission, which is directly accountable to the electorate for the performance of government in all respects.

### 2. Separation of Legislative and Administrative Functions

Under the present Commission form of county government, the Commissioners are responsible for both the enactment of policy and for carrying out that policy. The ten "row officers" are independent of the Commission and have administrative responsibilities only. Those officials appointed by the Commission are accountable to the Commission.

The Commission-Manager form separates these functions and gives the Commission clear responsibility for the enactment of policy, while placing the execution of policy in the office of the Manager. Since the Manager is an employee of the Commission, with full power to carry out Commission policy, lines of authority and responsibility are clear.

The elected Commissioners need not know or be involved with the detailed, day-to-day administrative and operational aspects of the government, but may properly confine themselves to knowing what the residents of the county want from their government. The county manager, as a trained and experienced professional, is responsible for running all aspects of the government on a full-time basis, and for advising the Commission on the most effective ways to allocate resources to realize policy goals.

### 3. Chief Administrative Officer (County Manager)

Under the present Commission form, there is no single focus of management and resource allocation. The Commission "manages by budget" on an annual basis, with some limited flexibility to adjust resource allocations throughout the year. "Row officers" compete on an individual basis for resources with the Commission, with the usual result that the Commissioners perform a sort of "balancing act" to preserve a measure of bureaucratic cooperation, without the authority to enforce it.

With a Commission-Manager system, the county manager is authorized to organize the functions of government in a more rational way and to carry out Commission policies with greater efficiency and effectiveness. If a department head fails to perform satisfactorily or resists carrying out the manager's instructions to implement Commission policy, the department head can be counseled or replaced. Similarly, if the manager is unable to carry out Commission directives, he/she may be replaced. The emphasis from top to bottom is on doing the job established by the elected Commission, and doing it with maximum economy and efficiency.

The Commission is answerable to the electorate, and the performance of governmental departments is the responsibility of the manager. The manager is regularly evaluated by the Commission, which has the authority and responsibility to demand effective performance. If the manager fails to satisfy the Commission, a new manager can be chosen.

### 4. Representation Broadened

Under the present Commission form, three full-time, salaried Commissioners are elected for staggered six-year terms from geographically districted areas of the county, but on an at-large electoral basis.

Under the Commission-Manager form as proposed, five part-time Commissioners would be elected -- three from geographically districted areas of the county, and two at-large. The three Commissioners elected from districts would seek to represent the interests of their districts, but would not automatically constitute a decisive voting bloc. The two Commissioners elected at large would represent the county as a whole, and by their votes would offset any narrow district interests that might disadvantage the entire county.

Part-time service of Commissioners would enable persons who are fully employed to serve as Commissioners, since they would not be expected to be involved in the day-to-day administrative and operational details of government. They would be responsive to the expressed needs of the people of the county, and would have no direct involvement in the governmental bureaucracy. They would deal only with the manager as concerns governmental performance.

### 5. Shorter Terms of Elective Office

A decisive preponderance of opinion shows that six-year terms of office for County Commissioners is too long. Most of those who have expressed an opinion feel that four year-terms are preferable. We have proposed that four-year terms be adopted under the alternative form of Commission-Manager government.

*from Mike's preliminary*

## COMPARISON OF SPECIFIC CHARACTERISTICS

### C. ~~Key Provisions of the Proposed Alternative Form of Government~~

#### *Location of*

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## MANAGEMENT OF Resources

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# Computer problems tangled

By TERRY SACKS  
Chronicle Staff Writer

Gallatin County is entangled with a computer company and three county governments in a dispute over who owes the county money for computer software it developed.

Almost four years after releasing two computer programs, now used by three Montana counties, Gallatin County is trying to collect payment. But a dispute is brewing over whether the other counties or the National Cash Register company owe the money.

The argument over approximately \$50,000 stems from verbal agreements made among officials at Gallatin County and NCR. Those officials now don't agree on what exactly they had agreed on.

Moreover, Gallatin County Commissioner Ray White and former county Administrative Assistant Ken Mosby relate vastly different accounts of a situation that both had been involved with since the beginning.

They don't agree whether an agreement had been reached with

NCR, which installed its equipment in the other counties and used Gallatin County's software.

At least one former county official, Mosby, and NCR maintain that an agreement was reached that Gallatin County would market the software directly to the other counties.

The software in question includes a tax assessment program and a voter registration program, which Gallatin County developed for the installation of its NCR computer equipment in late 1979, said County Commissioner Ray White.

White, county tax assessor at the time, said Tuesday the county was approached by an NCR sales representative sometime in 1981 or 1982 when the county's software had proven to be a good system. The sales representative asked whether the county would allow the county's programs to be used by other Montana counties for which NCR was preparing equipment bids.

White said the county agreed to release the programs to NCR on the understanding that NCR would

"market" the software.

White said last December that he and other commissioners were not sure how NCR obtained the programs. White was quoted saying in a Dec. 19 Chronicle story that he assumed NCR would pay for the programs developed at Gallatin County.

At the time, the Gallatin County Commission had demanded that its top employee, Ken Mosby, former administrative assistant, and two other county employees resign or cut ties to the firm Applied Business Systems.

The software was first installed in Roosevelt County, White said. That happened in July 1982, said a spokeswoman at the county seat in Wolf Point.

Later, the Gallatin County software was installed in Dawson and Custer counties, for use on NCR equipment.

Roosevelt County Commissioner Jim Halverson said Wednesday that he had no knowledge of any contro-

See COMPUTER, page 2

## Computer / from page 1

versy about the billing, and said he had assumed that Roosevelt County's obligations had been met.

Gallatin County commissioners met last Friday with Wendell Wiser, an NCR vice president from Salt Lake City, to clarify just what NCR and Gallatin County had initially agreed to.

White said he told Wiser that "as long as NCR was making the installation" of the software, the firm owed the county for the programs.

Contacted Wednesday in Salt Lake City, Wiser said that NCR "never acquired" any rights to or ownership of the software, and therefore never charged the three counties for the tax and voter registration software in its equipment and installation bids.

Wiser said he met with Gallatin County officials sometime around January 1984, and part of the discussion centered on the software issue. Wiser said he thought a clear understanding had been reached that Gallatin County would bill the three counties for use of the programs.

Asked if the counties were aware that they were obliged to pay for the software, White said, "My assumption was that it was built into the (NCR) bid."

No contracts were signed by the Gallatin County Commission allowing the software to be used, White said, adding that all agreements were verbal.

Mosby, former Gallatin County administrative assistant, confirmed Wednesday that an NCR sales representative, Raleigh Nelson, then based in Billings, wanted to use Gallatin County software when preparing NCR's bids for installing

equipment at the other counties.

Nelson approached the county with the idea before submitting a bid to Roosevelt County sometime in 1982, Mosby said.

"We assumed," from dealing with Nelson, "we would be entering into a contract with NCR," which in turn would "peddle it" to the other counties, Mosby said.

But NCR corporate officials overruled their sales representative's plan, Mosby said Tuesday. He said he was sure that corporate officials overruled the plan before the installation at Roosevelt County.

Deputy County Attorney Tom Anacker said Wednesday that he has seen nothing in writing of such a decision by NCR management.

Mosby said that after NCR's decision, a new plan was worked out in the latter part of 1982 in the Gallatin County Audit Committee, composed of then-Assessor White, Mosby, the county auditor, clerk and recorder, deputy county attorney, one commissioner and the treasurer.

The Audit Committee, Mosby said, after some delay, decided to set a "documentation charge" for the software, to avoid possible legal problems of selling software developed in the public domain. The charge was \$12,000 for the tax program and \$4,000 for the voters' registration program, he said.

The Audit Committee recommended that Gallatin County charge the other counties directly, Mosby said. Mosby said that is documented in the fiscal 1983 county budget.

Meanwhile, Mosby said, NCR was submitting bids to install programs with other counties and had installed at least one tax program with Roosevelt County — before the

instructions for the software had been completed and bugs worked out, before the Audit Committee had resolved pricing problems and before any contracts had been drawn up.

Mosby said the software was handed over to an NCR systems analyst, Bob Harney, formerly of the Billings office. White acknowledged Tuesday that the county released the software "too soon."

White, however, said Wednesday that he "had no recollection" of such a recommendation of the Audit Committee, and that his reading of the minutes gave no indication that Gallatin County would contract with the other counties.

Mosby said Applied Business Systems, with which he had been associated, entered the scene in June 1983, apparently about a year after the Roosevelt County system had been installed.

Mosby said NCR had no expertise with tax laws and maintaining such software. So the other counties agreed that Applied Business Systems, which specializes in county government computer applications, would "clean things up," Mosby said.

At apparently the same January 1984 meeting in which Wiser claims all principals agreed that Gallatin County would charge the other counties directly, the question of Applied Business Systems was dis-

cussed, Mosby said. Officials from the Montana Department of Revenue were also at the meeting, and it was agreed that Applied Business Systems would take over the maintenance of the programs, he said.

From then until he left at the end of 1985, Mosby said, Gallatin County delayed billing the counties in preparing subsequent budgets until the software had been fully documented. That was not accomplished until June or July 1985, Mosby said.

White said Tuesday that county commissioners on "several occasions" asked Mosby when the county would get reimbursed — by NCR, "but nothing ever happened."

When the documentation was finally completed, billing for the software was incorporated into the 1985-86 budget, approved by the commissioners, that the other counties would be billed by the end of 1985, Mosby said.

Mosby and former Deputy County Attorney Bob Throssell, just prior to Mosby's departure in December, drew up a contract and cover letter to send to the counties by year-end, Mosby said.

With Mosby's resignation in mid-December, apparently that contract was never mailed.

White said Wednesday that he never saw such a contract and had no knowledge of its existence.

# Computer problems

## *Decision-makers can't blame this one on computer foulup*

**O**h, what a tangled web they've been weaving over at the County Courthouse with the computer programs.

As the county headed into the Information Age, it seems to have kept its decision-making approach in the Stone Age.

Several years ago the county developed computer programs, or software, to do certain important jobs, like keeping track of tax assessments and voter registration. The programs worked well.

Gallatin County had purchased its computer from National Cash Register. Four years ago, when NCR was trying to sell its computers to three other Montana counties, it asked Gallatin County if it could use Gallatin's computer software.

Gallatin County said yes.

Yet no one ever put in writing what the arrangements were for reimbursing Gallatin County for its software. Not surprisingly, today everyone remembers these verbal agreements differently.

This is appalling. How many people, who have something of value to sell, will give it up without getting cash, a check, a contract or at least a memo that says IOU? Not many.

Ray White, formerly the county assessor and now a county commissioner, and Ken Mosby, formerly the county's top management official, were both involved in these decisions from the beginning. They don't agree.

White says the way he remembers it, NCR was supposed to pay Gallatin County. Mosby says the way he remembers it, the other county governments were supposed to pay Gallatin County.

The other counties say they don't

know anything about it, and assume they've paid all their obligations. NCR says it never agreed to pay Gallatin County because it never acquired any rights to or ownership of the software.

We see at the Courthouse fingers pointing blame in every direction. Who's in charge here? Who's to blame? Is anyone responsible?

White is generally fingering Mosby, saying commissioners kept asking Mosby when NCR would reimburse the county, and nothing ever happened. Mosby says there were lots of other people in on the decision, including the county Audit Committee, made up of White, Mosby, the auditor, clerk and recorder, deputy county attorney, treasurer and one commissioner. Mosby says the Audit Committee worked out a plan to charge the other three counties directly.

One revelation to come out of all the confusion is that for years the county knew about — and apparently condoned — Mosby's involvement in his private firm, Applied Business Systems. Mosby was forced out of office late last year because the county decided after several years that he had a conflict of interest. Yet according to Mosby, the county agreed that ABS should work out the bugs in the software for the three other counties as far back as January 1984.

Last December, when Mosby was being forced out, White said commissioners weren't sure how NCR got the county's software. Now we learn that the county knew full well about NCR having its software, and approved it years ago.

If you find this confusing, don't blame yourself. Blame the people in county government who failed to get all these agreements in writing in the first place.

There's no confusion about one thing. Taxpayers are out about \$50,000 right now because the decisions were handled so poorly.



Sat. AM, Mar 8, 86

Dear Rob

Several things about the County Government Study Commission bother me that may interest you. I have no problem with the "status quo" group asking for a legal opinion, as written up by Terry Sacks, but the way it was done seems to me less than laudable. Here's how I see it.

1. Westlake, Storey and Paugh opposed any change in County govt. from the beginning, and openly say they voted in the Primary not to have a Study Commission. In short, from Day-One, they had the votes to declare the present Commission govt. OK and close up shop. I've been living with that Sword of Damocles all the way.

2. The public hearing at the Courthouse on Jan 9, 86, which I worked hard to get a large turnout for, disclosed beyond doubt that there is a split in views on which system the county should have -- and it does not appear at all to be a 75% status quo, 25% something-else division. More importantly, that hearing disclosed -- even to Westlake, Storey and Paugh -- that most of those who care enough to attend such a hearing, whatever their own preferences, thought that the question should be decided by the voters.

3. The vote on Feb. 13, was on my motion (inelegantly phrased, to be sure, since the situation developed sooner than I had anticipated) was not to "recommend" an alternative form, but to acknowledge that voters wanted to decide the question. Neither Paugh nor Townsend recommended the Commission-Manager form, but agreed that it should be the alternative form vis-a-vis the present Commission form that should be on the ballot. My motion as transcribed by our ex-officio member, Marian Hollenback, reads:

"Mr. Chairman; I sense the majority of 3 members of this body have expressed themselves as placing on the November ballot a choice to the voters of Gallatin County between retaining the present commission form of County government or changing to a Commissioner-Manager form of County government. Both as set forth in the statutes of the State of Montana and I move that we endorse that position now."

4. My motion was based on Section 7-3-185, MCA, which reads in part:

"A study commission elected to examine the government of a county may:

(f) Submit no recommendation."

This is usually contrued to mean "decide that no change is needed; the existing form of government is satisfactory." I believe that my motion conformed to "no recommendation" and that it was within the statutory spirit of the Constitution, which reads:

"The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question."

This is immediately followed in the MCA by Section 7-3-101(2) with: "Parts 1 through 7 establish the alternative forms of government for cities, towns, counties and consolidated governments. These parts shall be liberally construed to facilitate the adoption of a form of local government." (My underlining.)

5. Perhaps my reading of all this is a "more liberal construal" than the Attorney General will agree to, but it sure as Hell is not an attempt to do something illegal. I believe the "shall be liberally construed" language above reflects the intent of the Constitution to allow reasonable interpretation of statutory language and not constrain us to the precise and literal meaning of words and nothing more.

6. So, back to our Study Commission session of March 6. With all present and participating, we worked for nearly two hours to draft the Tentative Report to set forth the two alternative for the voters to decide in November 86. At one point I said that the Minority view should be given full prominence in the Report, and not buried in a series of hard-to-digest footnotes. At every point I did my best to be accomodating to the preferences of others on what should and should not be included, and how it should be expressed.

7. After all this work, which Barb Paugh led, Jim Storey spoke up as I thought we were about to adjourn, and said (as best I recall) "I guess I might as well bring this up now." Westlake and Paugh agreed and indicated that the three of them knew what was coming. I had no clue what they were talking about, and I don't think Elsie Townsend did either. Storey told us that they had talked the matter over and had asked Salvagni for an opinion on the legality of the Feb 13 motion and vote. He said that Salvagni had, or would, forward the question to the Attorney General either on Wednesday (Mar 5) or Mar 6.

8. In short, all three of them had participated in the previous nearly two hours deliberation on the Tentative Report while knowing they had collectively asked, in effect, that the decision be overturned. They had done so prior to our meeting, possibly several days before. They had not seen fit to let me in on any of this, or anyone else with the likely exception of the "several persons" Storey mentioned as having asked him about the legality of the motion.

9. I'm not saying or implying that they did anything illegal or even improper, and I didn't say or imply anything of the sort as this discussion proceeded. I hope I may be forgiven, all the same, for feeling that their actions without my knowledge was shabby at best.

10. Marian Hollenback has the transcript of all this, which I think will substantiate the essential accuracy of what I said here. I may write to the Attorney General to make my case that I think we should have an election -- I haven't decided yet.

Cheers . . .

*Mike Ward*



This was an attempt to get my thoughts pulled together late in the game. It was never submitted for publication - BUT HAS SOME MERIT AS IS.

GALLATIN COUNTY AND VOTER REVIEW

MTU

The Local Government Voter Review process in Gallatin County has from the beginning been ~~marked~~<sup>met</sup> by resolute resistance to meaningful change. While there are undoubtedly several reasons for this, and no one faction is exclusively ~~the focus~~<sup>dictated by</sup> of this attitude -- conservatism being part of all of us -- it ~~seems to me~~<sup>seems to me</sup> that the core of opposition to change in county government lies primarily in the small and dwindling agricultural community, ~~and to long-time residents.~~<sup>IN MONTANA</sup>

County government ~~has~~<sup>has</sup> long been perceived as "belonging to" the ~~farmers and ranchers,~~<sup>RURAL</sup> and to those ~~businesses~~<sup>enterprises</sup> associated with agriculture and rural land use. Even though the 1980 Census showed that fewer than 5% of county residents identified themselves as being in agriculture -- and more than half of the county's population resided within the city limits of Bozeman alone, not counting the rapidly growing suburban area around Bozeman -- county government has continued to be widely, if passively, considered by most long-time residents as concerned with rural interests.

The first ~~County~~<sup>Gallatin</sup> Government Study Commission in 1976 summarized "Problem Areas" this way:

Gallatin County's traditional County Commissioner form with row offices, similar to the majority of county governments throughout Montana, suffers a common criticism: mainly that public services are inefficient and expensive. In this county the eleven elected officials have primarily administrative duties, rather than policy-making. For the most part, these officials operate autonomously without formal coordination, and their duties often are not clearly defined.

Consolidation or elimination of some county offices or merely contracting out some services, may result in some savings of administrative costs. But to achieve maximum efficiency and economy, only coordinated effort, centralized responsibility, simplified record-keeping, and selection of personnel on a merit basis will do the job. Such maximum efficiency is difficult is difficult under present administrative procedures with numerous elected, independent officers.

Despite its recognition of the central and undeniable flaw in the Commission form of government, the 1976 Study Commission drew back from its implications and in the end recommended only minor, fringe changes to the ~~Commission~~<sup>existing</sup> form -- and even these were defeated.

The ~~ages~~<sup>ages</sup> do complain that "taxes are too high" - most vigorously expressed by conservatives - would appear to impel ~~them~~<sup>them</sup> to do something about it.

conservatives to

Gallatin County government ~~now~~ (85-86) administers a budget of some \$15 million a year. ~~Revenue~~ A combination of converging pressures ~~will~~ seem certain to ~~shrink~~ <sup>these</sup> revenues in the <sup>immediate</sup> future:

- Congressional intentions to reduce the growth of the massive Federal debt will almost certainly eliminate Revenue Sharing to all local governments.

- Declining crude oil prices, while promising some reduced operational costs to local governments, ~~will~~ <sup>seem</sup> virtually certain to reduce revenues even more.

- Resistance to property tax increases, the principal source of local government funding, shows no sign of diminishing.

- An eroding infrastructure and other demands for local government services seem unlikely to ~~permit~~ <sup>permit</sup> major cost reductions soon.

Given these realities, it is difficult to reconcile continuing with an inefficient and expensive form of County government — especially on the part of those who complain loudest about Taxes.  
~~of government~~

In June 1984, when the question was put to Gallatin County voters whether to have a County Government Study Commission, the margin of approval was just 13 votes out of 5369 cast. Voters in predominantly rural precincts were the ones most strongly opposed to any review.

The November 1984 election nevertheless saw 17 candidates "running" for 5 positions on the Study Commission, although few campaigned extensively and interest was low (in a Presidential election year.) In the event, four long-time rural residents and one relative newcomer -- a "Pilgrim" from Bozeman -- were elected. Three of the rural residents have since acknowledged that they had voted against voter review in the Primary and campaigned on a promise to oppose change in the existing Commission form of government.

Throughout the first year of study, the "no change" Commissioners ~~frequently expressed~~ <sup>made no secret of</sup> their general satisfaction with the existing form of county government. The Bozeman resident -- labelled by the Bozeman Daily Chronicle as a "local government junkie" because he regularly attended county and city government public sessions -- was a persistent and outspoken advocate of giving the voters a choice. He ~~advocated~~ <sup>Favored</sup> the Commission-Manager form of government, but consistently argued that the voters should be the ones to decide.

The Study Commission sponsored a telephone survey of 338 county residents to get some idea of how people felt about their government. This was conducted before there was any significant awareness of the Commission's work, and it produced mixed results. Some 75% of those surveyed, in response to the lead-off question, indicated general satisfaction with the existing form of government. Responses to subsequent and more specific questions, however, revealed contradictory views as well as preferences inconsistent with the Commission form of government. A large number indicated they would like to learn more about their existing county government, suggesting that their level of knowledge was less than even they felt it might be.

The "status quo" Study Commissioners frequently cited these "generally favorable" responses as reflecting the true public sentiment, while the dissenting member pointed to the contradictions and inconsistencies as casting doubt on the overall ~~validity~~ <sup>value</sup> of the survey.

Some weeks later, a properly advertised public hearing was held in Manhattan, a largely rural community of less than 1,000 residents. Of the fewer than 20 persons attending, all but one was oriented to the farm-ranch outlook, and most of them were associated with the Agricultural Protective Association, including its president. Views expressed by this group were generally supportive of the status quo, but included a significant number of complaints about the existing form of government and an assortment of suggestions as to how it might be improved.

A second public hearing was held in Bozeman in January 1986. It was attended by at least 128 persons ~~and~~ (more likely in excess of 140), many of them urban and suburban residents as well as a strong turnout of rural people. The Bozeman member had sent out 250 letters to a wide cross-section of county residents, urging them to attend the hearing, whether they agreed with his views or not. The other members had also contacted numerous rural and politically conservative residents to urge them to attend and speak out.

A wide range of views was expressed, both orally and in writing. Those who favored changing to the Commission-Manager form of county government outnumbered the status quo adherents, but overall the strongest expression was for putting the question to the voters of the county. Numerous letters to the editor of The Chronicle followed this hearing, about evenly divided between change and no-change, but indicating a strong interest in the issue and how it should be resolved.

The Bozeman Daily Chronicle, having consistently called for putting the question on the ballot in 1986, then came out in favor of the Commission-Manager form. When the Study Commission voted 3-2 to write its Tentative Report in terms of putting the choice to the voters, The Chronicle strongly endorsed the decision. ~~The~~ <sup>Its</sup> Editorial Board pointed out that without an opportunity for voter choice, more than a year of study and thousands of taxpayer dollars would have been wasted -- and the voters denied a voice in the "voter review" process.

The Study Commission vote on a motion to allow the people to choose their preferred form of government has now been referred to the state Attorney General for his opinion as to its "legality." The decision to ask for a legal opinion was made by the three "status quo" Study Commissioners without informing the Commissioner who had made the

motion, and without ~~calling a meeting of the~~ <sup>CONVENING THE FULL</sup> Study Commission. This despite the fact that the Chairman had a few weeks earlier called a Special Meeting to ~~transure~~ <sup>ADMONISH</sup> the ~~dissenting~~ Bozeman Commissioner for a letter he had written to the editor of The Chronicle.

The Montana Constitution and ~~the~~ <sup>its</sup> implementing statutes are marked by a strong democratic bias in favor of letting the ~~electorate make~~ <sup>people decide how</sup> ~~decisions concerning its government.~~ <sup>THEY WILL GOVERNED.</sup> That is the essential point of the "voter review" process. Statutes setting forth the "voter review" process specifically state that sections bearing on alternative forms of local government "shall be liberally construed to facilitate the adoption of a form of local government."

Perhaps it will be determined by the Attorney General that allowing Gallatin County voters to decide their form of government is construing the Montana Constitution and statutes "too liberally." If so, the county will no doubt survive, but one may wonder whether the voter review process will continue to be seen as truly belonging to the people.



STATE  
OF  
MONTANA

ATTORNEY GENERAL  
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RECEIVED

MAR 24 1986

Gallatin County Attorney

VOLUME NO. 41

OPINION NO. 56

LOCAL GOVERNMENT - Recommendations of local government study commission;

LOCAL GOVERNMENT STUDY COMMISSIONS - Requirement that a recommendation be made in commission's final report;

MONTANA CODE ANNOTATED - Sections 7-3-103, 7-3-171 to 7-3-193;

MONTANA CONSTITUTION - Article XI, section 9(2).

HELD: A local government study commission may not have an alternative form of local government placed on the ballot unless the study commission recommends adoption of the alternative plan.

21 March 1986

Mike Salvagni  
Gallatin County Attorney  
Law and Justice Center  
615 South 16th Street  
Bozeman MT 59715

Dear Mr. Salvagni:

You have requested my opinion on the following question:

May a local government study commission have an alternative form of government placed on the ballot if the study commission does not recommend the adoption of that alternative plan?

In 1979 the Legislature enacted procedures allowing voters to alter their form of local government. In 1983 the Legislature adopted sections 7-3-171 to 193, MCA,

which provide the mechanism by which a local government study commission, hereinafter referred to as a study commission, can recommend a change in government and the electors can vote on the study commission's recommendations. A county study commission's recommendations may include any of the actions listed in section 7-3-185(1)(a), MCA, which provides the following:

Scope of study commission recommendations.

(1)(a) A study commission examining the government of a county may:

- (i) recommend amendments to the existing plan of government;
- (ii) recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;
- (iii) draft a charter;
- (iv) recommend municipal-county consolidation or amendments to an existing consolidation;
- (v) in cooperation with a study commission in an adjoining county, recommend county merger; or
- (vi) submit no recommendation.

Your question has arisen because the local government study commissioners for Gallatin County apparently are considering offering the voters an opportunity to adopt an alternative form of local government, pursuant to section 7-3-185(1)(a)(ii), MCA, without endorsing the alternative as a study commission recommendation. I conclude from an examination of the statutes on local government study commissions that such an action is not authorized by law.

Study commissions are established whenever the electorate votes to conduct local government review, and, in any case, every ten years as required by the Montana Constitution, article XI, section 9(2). § 7-3-173, MCA. Once the members of a study commission are elected they must meet and establish a timetable for their deliberations and actions. § 7-3-186, MCA. Terms of office of study commission members end either 90 days after a vote on the commission recommendations or, if no change is recommended, 30 days after submission of the

commission's final report. § 7-3-178(1), MCA. Final reports must be adopted and special elections scheduled if the study commission recommends that changes to the existing form of government be made. § 7-3-186(2)(d), MCA. Supplementary reports may be prepared. § 7-3-190, MCA.

According to the language of section 7-3-187, MCA, which sets forth the requirements for the contents of a study commission's final report, a special election on an alternative form of government is scheduled only if the study commission recommends an alternative. Section 7-3-187, MCA, in pertinent part, states:

Final report. (1) Every study commission shall adopt a final report. If the study commission recommends an alternative form of government, the final report shall contain the following materials and documents, each signed by a majority of the study commission members:

(a) those materials and documents required of a petition proposing an alteration of an existing form of government in 7-3-142;

(b) a certificate establishing the date of the special election, which may be held in conjunction with a regularly scheduled election, at which the alternative form of government shall be presented to the electors and a certificate establishing the form of the ballot question or questions; and

(c) a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

(2) The final report shall contain any minority report signed by members of the commission who do not support the majority proposal.

(3) If the study commission is not recommending any changes, its final report shall so indicate. [Emphasis added.]

The language of the local government study commission statutes contemplates that a study commission may not wish to recommend any changes to the existing form of

41 Op. Att'y Gen. No. 56  
Page 4  
21 March 1986

government. See, specifically, §§ 7-3-185(1)(a)(vi), 7-3-187(3), MCA. If changes are recommended, an election is to be scheduled pursuant to section 7-3-187(1), MCA. Should voters desire a change in their form of government, despite the fact that their study commission is not so disposed, the voters may propose a change by petition as is permitted in section 7-3-103, MCA.

THEREFORE, IT IS MY OPINION:

A local government study commission may not have an alternative form of local government placed on the ballot unless the study commission recommends adoption of the alternative plan.

Very truly yours,

  
MIKE GREELY  
Attorney General

STATEMENT AND MOTION BY MIKE WARD, MEMBER, GALLATIN COUNTY STUDY COMMISSION

We have each read and understand the Opinion by the Attorney General of Montana (No. 56, 21 March 1986). It is my belief that our previous decision is voided, and that it is therefore necessary to place a new motion before this Commission. I propose to do so now, and wish to precede my motion with the following brief remarks:

The Constitution and laws of the State of Montana afford the people the right to decide how they shall be governed;

There is an undeniable division of opinion among the people of Gallatin County on the issue of which form of government is preferred for our county;

Our study of the several forms of county government available to the people under Montana law has not qualified any of us as experts or authorities on government;

Our recommendation acknowledges that each permitted form of local government has advantages and disadvantages -- that there is no ideal form of government;

Our decision is made as informed citizens and responsible elected Study Commissioners, acting in what we believe to be the interests of our county as a whole;

We have acted in the conviction that the people of the county, exercising their right to vote, should decide how they shall be governed.

I therefore move as follows:

So that the people of Gallatin County may decide what form of government they want, we recommend the adoption of the Commission-Manager form of government as an alternative to the existing Commission form of government.



# Government study group rejects vote

By TERRY SACKS  
Chronicle Staff Writer

After teetering back and forth for weeks, the commission studying Gallatin County government has voted 3-2 against letting voters decide what kind of government they want.

"I feel good about it," Commissioner Barbara Paugh, who cast the swing vote, said after the decision Thursday.

"We were elected to study" the county government, not to provide voters a way to vote on a preferred form of government, she said.

Commissioner Mike Ward, defeated in his attempt to get the commission-manager alternative form of government on the ballot, said, "The majority has taken a narrow legal 'out' by deciding that their three votes express the preference of more than 25,000 voters in our county who will now have no say at all."

He complained that the majority spent 15 months and more than \$7,000 in tax dollars "when their minds were made up before they were sworn in."

"The majority came to the rescue of the tiny rural minority — to keep an antiquated, expensive and inefficient horse and buggy in service for many years to come," Ward said.

Acting on the authority of a recent Montana attorney general's opinion, the commission Thursday overturned its Feb. 13 decision that would have let voters choose between the present commissioner form of government or an alternative commissioner-manager form.

Attorney General Mike Greely said March 21 that, by phrasing the question to be put to voters as a choice, the commission had not conformed to Montana law. He said the commission must go on record recommending an alternative to the present form of government.

The commission made the decision before an audience of three in a small meeting room behind the gym of the Law and Justice Center, where it has met since January 1985.

Formally, the majority voted to make no recommendation as to any changes in the existing form of government. The decision leaves intact the present three-commissioner government with its 11 elected department heads.

Commissioner Jim Storey made the motion to make no recommendation to voters on changes in county government. It was seconded by Paugh and voted for by Paugh, Storey and Chairman Vernon Westlake.

Commissioner Elsie Townsend joined Ward in opposing the majority's decision.

"Aren't we saying that the voters aren't smart enough to make a choice?" Townsend asked commissioners after the vote. "Shouldn't we let voters think it through for themselves?"

Westlake responded, "I can't truthfully support a major change" in the existing form of government. Voters "elected us to figure that (the form of government) out," he said.

## County study / from page 1

"We were elected to study, not to let voters make a choice," Paugh said. "Nothing (in the law) said we had to let voters make a choice."

"By their vote, this is what they got. Most (voters) knew who the five of us were."

Paugh, Westlake and Storey have advocated the existing form of government from the start. They argue that the present form of government is more accountable to the public than a manager form because all positions are elected.

Ward has been an outspoken critic of the present commissioner form, arguing that county government doesn't take good care of its \$15 million budget because no one is accountable for decisions.

Paugh, who turned out to be the swing vote, had voted Feb. 13 to offer voters a choice, saying it would be contradictory if she advocated elected government yet not give voters an opportunity to vote. But she had said she would "campaign vigorously" on behalf of the present form.

Greely's opinion, which effectively nullified the Feb. 13 decision,

left Ward on Thursday to make a last-ditch effort to put something on the ballot.

"Our study of the several forms of county government available to the people under Montana law has not qualified any of us as experts or authorities on government," Ward said.

"There is an undeniable division of opinion among the people of Gallatin County on the issue of which form of government is preferred for our county."

Ward made a motion, "so that the people of Gallatin County may decide what form of government they want," to recommend a commissioner-manager form of government to the voters.

The motion died for lack of a second.

Should voters want to change the government, their only option left is the petition process, according to Greely's opinion.

Ward said today that he hasn't yet explored the idea of passing a petition, but did not rule it out.

A spokeswoman at the Gallatin County elections office said the deadline for submitting an initiative

to the Secretary of State is Aug. 21, and it would have to be filed at the county by Aug. 1 to allow time to check signatures.

The Gallatin County Government Study Commission has scheduled an "informational" meeting April 24 in Belgrade to explain to interested people the reasons for its decision not to recommend any changes to county government.

# Commission votes 2-1 to chop county administrator job

By TERRY SACKS  
Chronicle Staff Writer

A split Gallatin County Commission has decided to eliminate the county's top administrative post, but the door remains slightly open that commissioners might create a scaled-down version of the position.

Commissioner Jane Jelinski came prepared Tuesday with a revised job description and a litany of arguments why the county should fill the vacant administrator's position.

But what she got from the county's two other commissioners was a resolution officially rescinding the job created in 1981 and a commitment to discuss it further on Friday.

But Jelinski compared that with the still-pending dog-control ordinance supported by 700 Gallatin County petitioners. After shooting down an ordinance that Jelinski and interested groups proposed last April, White and Chairman Wilber Visser said they were committed to devising a "reasonable and affordable" one.

"I'm willing to negotiate ... I'm open to any changes in my proposal," said Jelinski. But she said a "wait and see" posture would assure that no action would be taken.

The commission voted 2-1, with Jelinski opposing, to eliminate the administrative assistant position as created in 1981. That resolution defined the scope of the job as being responsible for financial administration, data processing, personnel and other duties.

The job has been vacant since

December, when former aide Ken Mosby was forced to resign or cut ties to a private computer firm that maintains computer programs developed in Gallatin County. Commissioners alleged a potential conflict of interest. Mosby was one of about 10 interested people and department heads who attended the public hearing Tuesday.

Despite the fact that the job now officially doesn't exist, a compromise might be in the works. White and Visser indicated during the public hearing that they are leaning toward filling the position in some form, but just how remained a mystery Tuesday.

Both White and Visser, who had advocated a "wait and see" attitude toward filling the job, said in interviews Tuesday that the commission is closer to a compromise in filling the job than it was two weeks ago.

Both White and Visser said at the public hearing that they disagreed the position should be created by a formal resolution, arguing that the job is no different than many upper-level county posts, such as data processing manager or nurse practitioner.

White said the county's administrative assistant job also could be part time. He said there's not enough work to keep someone busy at the job, and that more people these days are willing to consider job sharing and part-time work.

"Who are they kidding?" said Gallatin County Auditor Carolyn Hartsog in an interview after the hearing. Hartsog said the county would get what it pays for and that a qualified professional probably would not work part time.

Hartsog, a recent graduate of accounting at Montana State University and certified public account-

ant, testified that Gallatin County, as the second largest enterprise in the county next to MSU, should be likened to a business with 46,000 shareholders and a \$12 million, highly complex budget.

"I myself would not want to be solely responsible for decisions about 250 employees and millions of dollars of assets without as much input as I could get," Hartsog told commissioners.

Hartsog said in a later interview that long-time Gallatin County residents, particularly those with rural and agricultural backgrounds, fear "some fancy college person coming in and running things."

The commission's decision comes during an on-going debate over whether the county should adopt the commission-manager form of government. The Gallatin County Government Study Commission is deciding whether voters will be able

to vote on what form of county government they want. The future of any vote is now tied up in the state Attorney General's office, which is deciding the legality of the commission's decision in February to give voters a choice between a current government and a commission-manager one.

The starting point for Friday's discussions will likely be the revised description of the job that Jelinski is calling "Assistant to the County Commission," Jelinski emphasized in her resolution that would have superseded the 1981 resolution that the position "does not abrogate or delegate any of its decision-making authority to the assistant to the county commission."

Friday's "work session" for ironing out the administrative assistant flap is scheduled for 9:30 a.m. The session will be in the commissioners' offices, not in the public meeting room.

# Panel fails to back Gallatin change

C The Billings Gazette Saturday, Mar. 29, 1986 9-A

BOZEMAN (AP) — The commission studying Gallatin County government has decided not to let the voters decide what form of government they want.

The vote Thursday was 3-2. Formally, the majority voted to make no recommendation to change the form of government. The decision leaves intact the three-commissioner government with its 11 elected department heads.

Commissioner Barbara Paugh, who cast the swing vote, said the commission was elected to study the county government, not to provide voters a way to vote on a preferred form of government.

Commissioner Mike Ward, defeated in his attempt to get the commission-manager form of government on the ballot, said, "The majority has taken a narrow legal out by deciding that their

three votes express the preference of more than 25,000 voters in our county who will now have no say at all."

He complained that the majority spent 15 months and more than \$7,000 in tax dollars "when their minds were made up before they were sworn in."

"The majority came to the rescue of the tiny rural minority — to keep an antiquated, expensive and inefficient horse and buggy in service for many years to come," Ward said.

Acting on the authority of a recent Montana attorney general's opinion, the commission Thursday overturned its Feb. 13 decision that would have let voters choose between the present commission-manager form of government or a commissioner-manager form.

Attorney General Mike Greeley said March 21 that, by phrasing the question to be put to voters as a choice, the commission had not conformed to Montana law.

He said the commission must go on record recommending an alternative to the present form of government.

The commission made the decision before an audience of three in a small meeting room behind the gym of the Law and Justice Center, where it has met since January 1985.

Commissioner Elsie Townsend joined Ward in opposing the majority's decision.

"Aren't we saying that the voters aren't smart enough to make a choice?" Townsend asked commissioners after the vote. "Shouldn't we let voters think it through for themselves?"



## OUR OPINION

# No change in sight

## County government study commission ends inconclusively

The final irony about the Gallatin County Local Government Review Study Commission is that the very people who spoke most strongly for preserving elected offices in the end denied voters a choice about the type of government.

The study commission essentially closed shop last week after spending \$7,000 and 15 months looking into the operation of county government.

County government will stay the same.

The three-member majority that prevailed favors the status quo because they argue that it keeps government close to the people. Yet they also were unwilling to ask voters to choose between forms of government.

The issue finally boiled down to a choice between the present commission form of government and the proposed commission-manager form. The existing form vests policy-making and administrative authority in a three-member commission. The alternative provides for an elected commission to set policy and hire a professional manager to carry out the policies.

In February, the five-member study commission voted to let voters choose between the two forms of government.

But that all changed when an attorney general's opinion rewrote the rules and instructed the commission to offer an alternative only if the majority favors the alternative. If they didn't like the alternative personally, commissioners shouldn't put it on the ballot.

That gave the three-member majority on the study commission an escape route. The attorney general gave them legal authority to do exactly what they wanted personally.

Three study commissioners —

Vernon Westlake, Jim Storey and Barbara Paugh — clearly do not favor a change. They made it clear during their campaigns and terms that they prefer the commission form of government.

They argue that an elected commission and 10 other elected county offices make county government responsive to voters.

The study commission majority also feared that a change in government would reduce the political clout of rural dwellers in favor of urban dwellers. That fear may be imagined or real, but nevertheless that fear did exist for the rural majority on the commission.

The Chronicle disagrees. We think the commission-manager form is a better deal. A manager form of government offers a chance for increased efficiency and accountability and tips the scales in favor of neither rural nor urban residents.

Local government review is unique to Montana. It is a good system that allows independent review of government by citizens every 10 years.

The county review in 1986 will produce no change. But that doesn't mean the process was a waste.

At the very least, five study commissioners became experts in the operation of county government. And we can assume that citizens who followed the study commission's work also learned something new about county government.

However, it is too bad voters will not have a chance to speak. County residents did, after all, vote in 1984 to establish the study commission.

Regrettably, whether the present system or another system is better is an open question in the voters' minds.

It will remain an unanswered question perhaps for another 10 years. The review of county government did nothing to answer that question this year.