FINAL STUDY COMMISION'S REPORT FOR THE TOWN OF MANHATTAN, MONTANA

TABLE OF CONTENTS

- I. LETTER TO THE CITIZENS OF THE TOWN OF MANHATTAN
- II. REPORT SUMMARY
 - A. Findings of the Study Commission
 - B. Key provisions of the Proposed Form
 - 1. Self-government Powers
 - 2. Council members voted on at-large versus the present Ward system.
- III. COMPARISON OF EXISTING FORM OF GOVERNMENTS AND PROPOSED FORM OF GOVERNMENT.
 - A. Existing form- Description of General Characteristics
 - B. Proposed Form-Description of General Characteristics
 - C. Recommendations and Reasons.
- IV. APPENDIX

Exhibit A: Certificate of plan of existing form of government

Exhibit B: Certificate of plan of proposed form of government

Exhibit C: Certificate establishing election date

Exhibit D: Certificate establishing form of ballot

| COURSE TITLE & INSTRUCTOR | Usefulness | Presentation | Learning Outcomes | | | |
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| | A | B | C | | | |
| 15. 103.1 Montana Municipal Government - Ken Weaver | ③ 4 3 2 1 | (5) 4 3 2 1 | 5/4321 | | | |

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| 16. 602.1 Conducting the Council Meeting - Ken Weaver | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

COMMENTS: NA

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| | A | B | C |
| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS:

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| 18. 804.1 League of Cities & Towns Legislative Report - Alec Hansen | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

COMMENTS:

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I. LETTER TO THE CITIZENS OF THE TOWN OF MANHATTAN

To the Citizens of the Town of Manhattan:

The Town of Manhattan Study Commission elected by the voters on November 2, 2004, or thereafter appointed, present this final report to you, the citizens of the Town of Manhattan.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of 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 to the existing form of government or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the Town as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were advertised and open to the public. Commission members visited with various members of the public to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of community members. A public hearing was held on July 28th and another on August 18, 2005. Commission members also utilized findings of previous citizen surveys conducted by outside entities for the Town of Manhattan.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings and those who attended our regular meetings in addition to the independent efforts of this study commission.

In this final report we present our recommendations for an alternative form of government that we think will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We think the citizens of the Town of Manhattan can achieve these goals by adopting the Charter form with self-government powers.

The question of adopting this alternative form of government will be placed on the ballot November 8,2005.

| Respectfully su Town of Manha | bmitted, attan Study Commissioners |
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| Buck Buchana | ın |
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| | A | B | C |
| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | 5 4 3 2 1 | (5) 4 3 2 1 | (5) 4 3 2 1 |

COMMENTS: Good to have an attry available to address Statutory requirements

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| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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| 13. 108.1 Risk Management - John Craig | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

comments: Workers Comp was not discussed. Claims processing - the how-to- was not covered. Presentation was on property

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| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

II. REPORT SUMMARY

The Town of Manhattan Study Commission having thoroughly studied our present form of government and the alternative forms of government available to cities under state law, and having discussed anticipated future governmental needs of the Town, recommends the following:

1. The Town of Manhattan should adopt, effective January 1, 2006, the charter form of government with "self-government powers".

A. Findings of the Study Commission

After a thorough study of the present form of government of the Town of Manhattan, it is the decision of the study commission to recommend a change in the form of government to a Charter form with self-governing powers.

One primary part of this charter would be a change from the existing ward system of electing Town council members to at-large election of council members. The Town is presently divided into two wards with two council members elected from each ward. The Study Commission discovered that the ward system has hindered the Town's ability to fill council seats.

Sometimes wards inadvertently restrict the people who are allowed to represent the Town of Manhattan. There have been times when nobody has run for election in a particular ward. Alternatively, another ward may have several candidates.

Another issue concerning the ward structure is that the Town's expansion will cause a continuous need of redistricting to keep the population in each ward close to equivalent as required by State law. This redistricting process can be complicated, time consuming, confusing and costly to the citizens. At-large voting would alleviate this requirement and provide for a more efficient government.

A concern of some citizens was that at-large voting might create a council comprised of several members from one section of the Town that would carry out an agenda for their neighborhoods. Since Manhattan has such a homogeneous population with no areas of the community having a majority population based on ethnic, religious or other like categories, the fear of this argument becoming a reality seems minimal.

The Town of Manhattan's statutory basis for municipal-mayor government has two items that would be clarified by a charter:

1. MCA Section 7-3-217(1) states that the Town's financial officer (who may be called the treasurer) shall be elected. The treasurer for the Town of Manhattan has always been appointed by the mayor with the consent of the council. Many third class cities in the State, including the Town of Manhattan, defer this to MCA Article 7-4-4102 which states that the Town treasurer may be

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| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

Excellent information!

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| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

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| | A | B | C |
| 13. 108.1 Risk Management - John Craig | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS: To many pictures of buildings & Jehicles. Way to many times asking how it should be indused. Not into my area of usage. Power point did not follow pages in book.

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| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

appointed by the mayor with the advice and consent of the council. This apparent conflict of State statutes could be clarified by clearly stating, within the proposed charter, that the Town treasurer will be appointed by the mayor with the consent of the council.

2. MCA Section 7-3-219(1) states that local government elections shall be conducted on a partisan basis. Manhattan, like most Montana municipalities, has always conducted non-partisan elections. The State gave towns and cities the opportunity to change this by resolution in 1987. This charter provides for non-partisan elections.

In an attempt to remedy and/or clarify all the issues presented above, the Study Commission recommends a change to a charter form of government that would encompass all of these items.

B. Key Provisions of the Proposal.

1. Self-government Powers

Under the 1972 Montana Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the Town has been the prerogative of the state legislature. The legislature decided what Town government should do and how it should do it.

The constitution provides that "self-government powers" can be adopted by cities and towns along with a charter form of government. The adoption of self-government powers would mean greater flexibility in shaping governmental structure, greater power to solve our own problems and more responsibility to recognize and deal with these problems.

2. Election of council members at-large

Council members are currently elected by wards. Two council members are elected by the registered voters in each of two wards. The proposed change would create at-large voting for all council members by all registered voters in the community.

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| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | 5) 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

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| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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| | A | B | C |
| 13. 108.1 Risk Management - John Craig | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

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| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

III. A COMPARISON OF THE EXISTING PLAN AND PROPOSED PLAN OF TOWN GOVERNMENT FOR THE TOWN OF MANHATTAN, MONTANA.

A. EXISTING FORM

The existing form of government of the Town of Manhattan is a typical Mayor-Council form of government with general powers. The Town is divided into two wards and two council members are elected from each ward. Elections are non-partisan. Town staff, including the financial officer (referred to as the Town Treasurer), are appointed by the Mayor with the consent of the Council.

B. PROPOSED FORM

The proposed plan of government, if approved, would give the Town self-governing powers. Self governing powers allows a Town the power to do that which is not specifically prohibited by the State.

The proposed plan would also change the way the Town council members are elected in Manhattan. Four council members serve the Town, two of whom are presently elected from each of two wards in which they must reside. If the new plan of government is approved, council members may be elected from anywhere in the Town. Council members must reside within the Town limits of Manhattan for a period of at least one year immediately preceding his/her election to office.

C. RECOMMENDATIONS AND REASONS

Self-governing powers would allow the Town powers not specifically prohibited by the state. The study commission believes that it would be in the best interest of this community to have those powers in place. This would give our Town leaders the flexibility for future needs and add to the efficiency of our government.

Historically those communities governed by mayor-council forms of government, such as Manhattan, have elected their representatives from wards. Communities which have distinctive neighborhoods with particular needs may be better represented on the Town council if they have wards. This is particularly true in Towns having substantial minority populations and neighborhoods significantly differentiated by wealth. However, this study commission believes at-large elections will better serve the needs of Manhattan and greatly enhance the efficiency of the Town government. Atlarge elections allow qualified electors from the Town to run for office without regard to where they live in the Town. There is less need for electing representatives by wards where the population is relatively homogeneous like that of the Town of Manhattan. Candidates for Town council may be recruited from the whole Town. Whenever vacancies occur on the council, the council may appoint replacements without being restricted to candidates from a given ward.

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| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | 5 4 3 2 1 | 5 4 3 2 1 | (5)4 3 2 1 |

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| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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| 13. 108.1 Risk Management - John Craig | 5 4 3 2 1 | 5 4 3 ② 1 | 5 4 3 2 1 |

COMMENTS: TOO many redundant sledes.

Presentation could be done in

1/4 time allotted

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| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

Voters currently may vote only for those candidates from their ward. If at-large elections are approved, voters may vote on candidates from the whole community. Voters may enjoy the opportunity to express their opinion on all positions open on the ballot.

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| | Buck Buchanan |
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| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | 5 4 3 2 1 | 5 4 (3) 2 1 | 5 4 (3) 2 1 |

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comments: Yet more power point! Seemed people ker repeating the same questions as earlier. Too much interuption by audience.

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| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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| 13. 108.1 Risk Management - John Craig | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 (3) 2 1 |

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| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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CERTIFICATE A

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR THE

TOWN OF MANHATTAN, MONTANA

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

7-3-113. Statutory basis for municipal council-mayor government.

- (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:
- 7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.
- **7-3-202.** Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:
 - (1) general government powers; or
 - (2) self-government powers.
- 7-3-203. Duties of executive. The executive shall:
 - (1) enforce laws, ordinances, and resolutions;
 - (2) perform duties required of him by law, ordinance, or resolution;
 - (3) administer affairs of the local government;
 - (4) carry out policies established by the commission;
 - (5) recommend measures to the commission;
 - (6) report to the commission on the affairs and financial condition of the local government;
 - (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
 - (8) report to the commission as the commission may require;
 - (9) attend commission meetings and may take part in discussions;
 - (10) execute the budget adopted by the commission;
 - (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

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| 15. 103.1 Montana Municipal Government - Ken Weaver | 5 4 3 2 1 | 5) 4 3 2 1 | 5 4 3 2 1 |

comments: always good to hear howard governments.

Nice to be with elected officials.

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| 16. 602.1 Conducting the Council Meeting - Ken Weaver | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

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| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | 3 4 3 2 1 | § 4 3 2 1 | 3 4 3 2 1 |

COMMENTS: Very helpful for up who are Just entering into along this.

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| 18. 804.1 League of Cities & Towns Legislative Report - Alec Hansen | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

Attorney General Opinions:

Administrative Assistant -- Mayoral Appointment: Although the City Council's contract and budget approval powers may affect the mayor's practical ability to provide a particular compensation amount to an administrative assistant or establish other employment conditions, they do not obviate his authority to fill that position without Council approval. Under 7-3-212, a mayor may appoint an administration.

7-3-212. Administrative assistants. The executive:

- (1) shall appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive; or
- (2) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may:

- (1) appoint and remove all employees of the local government;
- (2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;
- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees; or
- (4) appoint and remove, with the consent of a majority of the commission, all department heads and appoint and remove all other employees of the local government.

7-3-214. Veto power. The executive may:

- (1) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;
- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or
 - (3) sign all ordinances and resolutions with no veto power.

7-3-215. Preparation of budget. The executive may:

- (1) prepare the budget and present it to the commission for adoption; or
- (2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

- (1) exercise control and supervision of the administration of all departments and boards; or
- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer):

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COMMENTS: Wish Council + Mayor could have attended.

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| 16. 602.1 Conducting the Council Meeting - Ken Weaver | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

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| | A | B | C |
| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | 5 4 3 2 1 | (5) 4 3 2 1 | (5) 4 3 2 1 |

comments: Good Info-Still lots to learn-great panie.

Suggestion: for all classes - Thour of Tecture the rest of the Time Panel Discussion. I really learn from them

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| 18. 804.1 League of Cities & Towns Legislative Report - Alec Hansen | 5 4 3 2 1 | 5 4 (3) 2 1 | 5 4 (3) 2 1 |

- (1) shall be elected;
- (2) shall be appointed by the executive with the consent of the council;
- (3) shall be selected as provided by ordinance; or
- (4) may, at the discretion of the commission, be selected as provided by ordinance.
- 7-3-218. Selection of commission members. The commission shall be:
 - (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.
- 7-3-219. Type of election. Local government elections shall be conducted on a:
 - (1) partisan basis; or
 - (2) nonpartisan basis.
- 7-3-220. Chairman of commission. The commission shall have a chairman who shall be:
- (1) elected by the members of the commission from their own number for a term established by ordinance; or
 - (2) selected as provided by ordinance.
- **7-3-221.** Presiding officer of commission. The presiding officer of the commission shall be:
- (1) the chairman of the commission, who may vote as other members of the commission;
 - (2) the executive, who may vote as the commissioners;
- (3) the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent); or
 - (4) the executive, but he may not vote.
- 7-3-222. Terms of commission members. Commission members shall be elected for:
 - (1) concurrent terms of office; or
 - (2) overlapping terms of office.
- **7-3-223.** Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:
 - (1) community councils of at least three members shall be elected within each

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| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

COMMENTS: Elwry a great subject. Con never heart leave erough

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| 18. 804.1 League of Cities & Towns Legislative Report - Alec Hansen | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS:

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district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

- (2) community councils to advise commissioners may be authorized by ordinance.
- (2) This form has terms of 4 years for all elected officials. The size of the commission shall be four members.

These sections establish the following form of government which shall be called the MUNICIPAL COUNCIL-MAYOR FORM.

- **7-3-201.** Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.
- **7-3-202 (1). Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

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

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government:
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
 - (8) report to the commission as the commission may require;
 - (9) attend commission meetings and may take part in discussions;
 - (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.
- **7-3-212 (2).** Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.
- **7-3-213 (3). Supervision of personnel.** The executive may appoint, with the consent of a majority of the commission, all department heads and remove

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departments heads and may appoint and remove all other department employees.

- **7-3-214 (2). Veto power.** The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.
- **7-3-215 (2). Preparation of budget.** The executive may prepare the budget in consultation with the commission and department heads.
- **7-3-216 (2). Administrative supervision and control.** The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.
- **7-3-217 (1). Financial officer.** A financial officer (who may be called the treasurer) shall be elected.
- **7-3-218 (2). Selection of commission members.** The commission shall be elected by wards in which candidates must reside and which are apportioned by population.
- **7-3-219 (1). Type of election.** Local government elections shall be conducted on a partisan basis.
- **7-3-220 (1). Chairman of commission.** The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.
- **7-3-221 (3). Presiding officer of the commission.** The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).
- **7-3-222 (2). Terms of commission members.** Commission members shall be elected for overlapping terms of office.
- **7-3-223 (2). Size of commission and community councils.** The size of the commission shall be four (4), and community councils to advise commissioners may be authorized by ordinance.
- **7-3-224. Terms of elected officials.** The term of office of elected officials shall be four (4) years.

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CERTIFICATE B

PROPOSED CHARTER OF THE TOWN OF MANHATTAN, MONTANA

PREAMBLE

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

ARTICLE I POWERS OF THE TOWN

Section 1.01 Powers of the Town of Manhattan

The Town of Manhattan shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

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

Section 1.03 Restrictions

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

Section 1.04 Charter Supremacy

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

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ARTICLE II LEGISLATIVE BRANCH

Section 2.01 Town Council

The legislative branch shall consist of the town council, which shall be the governing body of the town.

Section 2.02 Qualifications for Office

Anyone who is 18 years of age or older, a citizen of Montana, a resident of the Town of Manhattan for a period of at least one year immediately preceding his/her election to office, and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member.

Section 2.03 Composition

The Town of Manhattan shall have a town council of four (4) members.

Section 2.04 Term of Office

Members of the town council shall be elected for four (4) year, overlapping terms of office.

Section 2.05 Election

- 1. Local government elections shall be conducted on a nonpartisan basis.
- 2. Council members shall be elected at large. Two council members shall be elected at large every two years.

Section 2.06 Chair of the Council

The council shall have a chair who shall be elected by the members of the council from among their own number. The chair of the council shall preside at council meetings when the mayor is absent, and shall vote as other members of the council.

Section 2.07 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.08 Removal from Office

A council member may be removed from office by a finding, adopted by the

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affirmative vote of three (3) council members, that the office has become vacant as prescribed by law or by recall of a council member by the electors of Manhattan, as prescribed by law.

Section 2.09 Filling Vacancy on Council

- 1. When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of the majority of the remaining council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.
- 2. If there are fewer than three (3) council members serving in office at the time an appointment to fill council vacancies is required, the mayor shall appoint with the written consent of each of the incumbent council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.10 Powers and Duties

- 1. The town council shall be the legislative and policy determining body of the town. All powers of the town shall be vested in the town council except as otherwise provided by law or this Charter and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.
- 2. The council may override the mayor's veto by the affirmative vote of three (3) members of the council.

Section 2.11 Legislative Action

Unless otherwise required by law or this Charter, the affirmative vote of a majority of the council members present at a lawful meeting of the council shall be required for all official actions of the council. A minimum of three (3) council members must be present to convene a lawful meeting of the council.

Section 2.12 Procedure

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

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ARTICLE III EXECUTIVE BRANCH

Section 3.01 Mayor

The Mayor shall be the chief executive and chief administrative officer of the Town.

Section 3.02 Qualifications for Office

No person shall be eligible for the office of Mayor unless he/she shall be at least twenty one (21) years old, a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, a resident of the State for at least three (3) years, and a resident of the Town for two (2) years immediately preceding his/her election to said office. The Mayor shall reside in the Municipality during his/her term of office.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of three (3) council members that the office has become vacant as prescribed by law or by recall of the mayor by the electors of the Town of Manhattan, as prescribed by law.

Section 3.07 Filling Vacancy in the Office of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to

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hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall:

- 1. enforce laws, Charter, ordinances, and resolutions;
- 2. perform the duties required by law, Charter, ordinance or resolution;
- 3. administer the affairs of the town government;
- 4. carry out policies established by the council;
- 5. recommend measures to the council;
- 6. report to the council on the affairs and financial condition of the town government;
- 7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
- 8. report to the council as the council may require;
- 9. prepare the council agenda, preside at council meetings and may take part in council discussions;
- 10. execute the budget adopted by the council;
- 11. appoint, with the consent of the council, all members of boards, except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

- 1. appoint one or more administrative assistants to assist in the supervision and operation of the town government, and such administrative assistants shall be answerable to the mayor and the Town Council.
- 2. appoint, with the consent of a majority of the council, all department heads including either a clerk, treasurer or clerk-treasurer; remove department heads; and may appoint and remove all other employees;
- 3. prepare the budget in consultation with the council and department heads;
- 4. exercise control and supervision of all departments and boards.

Section 3.10 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of three (3) members of the council.

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Section 3.11 Compensation

The compensation of the mayor shall be set by resolution of the town council.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 Town Court

There shall be a Town court as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of town departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 2006.

Section 6.03 Oath of Office

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

Section 6.04 Severability

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

Units

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ARTICLE VII TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after June 30, 2008.

Section 7.02 Continuation in Office

No town employee or elected official holding a town office will lose employment or elected position solely because of the adoption of this Charter. Elected officials holding office on the date this Charter is adopted may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All town ordinances, resolutions and rules of the Town of Manhattan shall remain in effect until reviewed, revised or repealed by the town council. The town council shall review and, where necessary, revise or repeal all town ordinances to provide for compliance and consistency with this Charter and state law no later than June 30, 2008.

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| COURSE TITLE & INSTRUCTOR IIMC TRACK | Us | efu | lnes 4 | s | | Pre | esent E | atio 3 | n | | Le | arni | ing (| Out | comes |
|-------------------------------------------------------|----|-----|-----------|---|---|-----|------------|-----------|---|---|----|------|----------|-----|-------|
| 16. 602.1 Conducting the Council Meeting - Ken Weaver | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 |

COMMENTS:

| COURSE TITLE & INSTRUCTOR APT TRACK | Usefulness | Presentation | Learning Outcomes |
|-----------------------------------------------------------------------------------------------|------------|--------------|-------------------|
| | A | B | C |
| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 (3) 2 1 |

COMMENTS:

| COURSE TITLE & INSTRUCTOR | Usefulness | Presentation | Learning Outcomes |
|------------------------------------------------------------------------|------------|--------------|-------------------|
| | A | B | C |
| 18. 804.1 League of Cities & Towns Legislative Report - Alec Hansen | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

CERTIFICATE C

ESTABLISHING THE DATE OF THE ELECTION

AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT

SHALL BE PRESENTED TO THE ELECTORS OF THE

TOWN OF MANHATTAN

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Manhattan at a special election to be held with the general election on November 8, 2005.

| | | We, the Study Commissioners of the Town of Manhattan do hereby certify that this is the date of the special election approved by the Study Commissioners of the Town of Manhattan. |
|------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SE A I | | In testimony whereof, we set our hands. |
| SEAL | | Done at Manhattan, Montana this day of, 2005. |
| ATTEST: | | |
| Town Clerk | 7 70 100 000 000 000 000 000 000 000 000 | |
| | | |
| | | |
| | | |
| | | |
| | | LOCAL GOVERNMENT REVIEW |

STUDY COMMISSIONERS

| COURSE TITLE & INSTRUCTOR | Usefulness | Presentation | Learning Outcomes |
|-----------------------------------------------------|--------------------------|--------------|-------------------|
| | A | B | C |
| 15. 103.1 Montana Municipal Government - Ken Weaver | 5 4 3 2 1 24 14 6 0 0 | 5 4 3 2 1 | 5 4 3 2 1 |

| COURSE TITLE & INSTRUCTOR IIMC TRACK | Usefulness A | Presentation B | Learning Outcomes |
|-------------------------------------------------------|-------------------------|-------------------|-------------------|
| 16. 602.1 Conducting the Council Meeting - Ken Weaver | 5 4 3 2 1 12 9 2 0 0 | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS:

| COURSE TITLE & INSTRUCTOR APT TRACK | Usefulness A | Presentation B | Learning Outcomes |
|-----------------------------------------------------------------------------------------------------|-----------------|-------------------|-------------------|
| 17. 704.1 Annual Financial Report - Norm Klein, Colleen Miller, Lowell Swenson, Mary Embleton | | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS:

| COURSE TITLE & INSTRUCTOR | Usefulness A | Presentation B | Learning Outcomes |
|------------------------------------|-----------------|-------------------|-------------------|
| 18. 804.1 League of Cities & Towns | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |
| Legislative Report - Alec Hansen | 11 10 123 3 | 3 12 14 1 3 | 3 13 15 3 4 |

CERTIFICATE D

ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 8, 2005 GENERAL ELECTION

Instruction to voter: Place an "X" in the boxes which express your preferences.

OFFICAL BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.

| For adoption of the self-government char of government) proposed for the Town of Government Review Study Commission | |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the existing form of government. | |
| | We, the Study Commissioners of the Town of Manhattan do hereby certify that this is the date of the special election approved by the Study Commissioners of the Town of Culbertson. |
| SEAL | In testimony whereof, we set our hands. Done at Manhattan, Montana this day of, 2005. |
| ATTEST: Town Clerk | 8 |
| | |
| | LOCAL GOVERNMENT REVIEW STUDY COMMISSIONERS |

| COURSE TITLE & INSTRUCTOR | Usefulness A | Presentation B | Learning Outcomes |
|------------------------------------------------------------------------------------------------|-----------------|-------------------|-------------------|
| 11. 503.1 Preparation of Minutes - Paul Luwe, Leslie Bales, Kay Ann Jackson, Kathy Denke | (5) 4 3 2 1 | 5) 4 3 2 1 | 5 4 3 2 1 |

comments: Clerko were alber to enterled their Q's which was good. Interesting to hear what other Town (Cities do.

| COURSE TITLE & INSTRUCTOR GRADUATE TRACK | Usefulness A | Presentation B | Learning Outcomes |
|---------------------------------------------------|-----------------|-------------------|-------------------|
| 12. 803.1 Working with Volunteers - Jane Jelinski | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

COMMENTS:

| COURSE TITLE & INSTRUCTOR | Usefulness A | Presentation B | Learning Outcomes |
|----------------------------------------|------------------|-------------------|-------------------|
| 13. 108.1 Risk Management - John Craig | <u>5</u> 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |

comments: Seen the Same program a week ago, but he added pictures this time which helped keeping attention.

| COURSE TITLE & INSTRUCTOR GRADUATE TRACK | Usefulness A | Presentation B | Learning Outcomes |
|-------------------------------------------------------------|-----------------|-------------------|-------------------|
| 14. 802.1 Advanced Accounting - Sandra Johnson, Anna Miller | 5 4 3 2 1 | 5 4 3 2 1 | 5 4 3 2 1 |