***SAMPLE FINAL REPORT***

**MODEL # 1**

**AMENDING THE PLAN OF GOVERNMENT TO PROVIDE FOR**

**AT LARGE ELECTION OF THE TOWN COUNCIL**

***(Model # 1)***

**FINAL REPORT**

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***Report Summary***

 **I. LETTER TO THE CITIZENS OF TOWN OF BLUE SKY**

*To the Citizens of Blue Sky:*

 The Blue Sky Study Commission elected by the voters on November 4, 2014, or thereafter appointed, present this final report to you, the citizens of Blue Sky.

 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 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 Town officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

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

 In this final report we present our unanimous recommendation for an amendment to the present plan of government providing for *at large* *election* of the Town Council to replace the present *ward based election* of the Town Council. We propose no other change to the present plan of Town Government.

 The question of adopting this amendment to plan of Town Government will be placed on the ballot November 3, 2015.

 Respectfully submitted,

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 Blue Sky Study Commissioners

Citizen interest in local government affairs normally is low. A study commission cannot expect that every citizen picking up a final report will read it from front to back. Many citizens, though, may read a clearly marked "Report Summary" located toward the front of the report while they would not be interested in pursuing the arguments behind the summary conclusions. The "Report Summary" also can function as a news release; as such, it would be convenient for the study commissioners and could reinforce citizen attitudes gained from a prior reading of the report.

 The final report summary should briefly address three separate items. First, the commission's findings concerning the present governmental situation should be summarized. This amounts to a listing of the key government-related problems in a community that give rise to consideration of government change. Voters will ask, "Why is change desirable?" Here, the study commission's answer is presented briefly and concisely.

 The second part of the "Report Summary" is the study commission's recommendation to the voters. Later in the final report the study commission will give a detailed analysis of its recommendation to the voters; but here this recommendation is condensed into a few sentences. A reader of the "Report Summary" will know specifically what governmental change the study commission is endorsing and placing on the ballot. In the "Report Summary" the recommendation is backed up by the authority of the study commission rather than by a recapitulation of its work.

 Third, the "Report Summary" should include the reasons for the commission's recommendation in abbreviated form. Later on in the final report, the study commission

will compare features of the present and proposed forms of government and evaluate their relative performance in terms of a number of criteria. Only the most important of these conclusions should be contained in the "Report Summary" The reader should be presented with a concise formulation of the most convincing arguments for change.

A model "Report Summary" follows:

**II. REPORT SUMMARY**

**1. Findings of The Study Commission:**

 After a thorough study of the Town government including extensive interviews with the Mayor and Council members, and discussions with numerous citizens before, during and after a public hearing attended by at least 100 citizens, the Study Commission found that:

 (1) The present method of electing two Council members from each of two wards in which the candidates must reside often results in the Council having to appoint a Council member because no candidate filed for election in that ward. This situation is

 frustrating to the Council, especially when there are multiple candidates in the other ward who are prevented from serving only because he or she happens *not* to reside in the ward with a vacancy.

 (2.) Because of the small number of residents in the Town and the relative homogeneity of the population, there appears to be no particular representational benefit in requiring candidates for the Town Council to reside in a particular ward.

2**. Recommendation:**

 In view of the above findings, the Study Commission recommends that the Plan of Blue Sky Town Government be amended to provide for “at large” election of the Town Council.

**3. Key Provision of the Proposal:**

 The only change in the Town Plan of Town Government proposed by the Study Commission is the “at large” method of election of the Town Council.

**4. Comparison of the Present and Proposed Plans of Governmnet:**

The present plan of government, as set forth in “Certificate A,” below provides for the *ward based election* of the Town Council.

 The proposed plan of government, as set forth in “Certificate B,” below provides for the *at large election* of the Town Council.

All other structures and functions of the Blue Sky Town Government will remain unchanged.

***The Required Report Certificates***

 Montana law (7-3-142, MCA) calls for the inclusion of certain certificates, signed by a majority of the study commission, in the final report. Some of these are mandatory and some are optional. The required certificates include for this report are:

1. Plan of government of the existing form

2. Plan of government of the proposed form or amendments to the existing plan

3. Date of the special election, which must be held in conjunction with a regularly scheduled election

4. Form of the ballot

Models of the four required certificates are shown below.

**APPENDIX A**

**CERTIFICATE**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

If retained by the voters, the government of the Town of Blue Sky shall be organized under the following provisions of 7-3-113,MCA which authorizes the municipal council – mayor form of government;

**7-3-113. Statutory basis for municipal council-mayor government.** (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:
     (a) [7-3-201](http://leg.mt.gov/bills/mca/7/3/7-3-201.htm);
     (b) [7-3-202](http://leg.mt.gov/bills/mca/7/3/7-3-202.htm)(1);
     (c) [7-3-203](http://leg.mt.gov/bills/mca/7/3/7-3-203.htm);
     (d) [7-3-212](http://leg.mt.gov/bills/mca/7/3/7-3-212.htm)(2);
     (e) [7-3-213](http://leg.mt.gov/bills/mca/7/3/7-3-213.htm)(3);
     (f) [7-3-214](http://leg.mt.gov/bills/mca/7/3/7-3-214.htm)(2);
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     (h) [7-3-216](http://leg.mt.gov/bills/mca/7/3/7-3-216.htm)(2);
     (i) [7-3-217](http://leg.mt.gov/bills/mca/7/3/7-3-217.htm)(2);
     (j) [7-3-218](http://leg.mt.gov/bills/mca/7/3/7-3-218.htm)(2);
     (k) [7-3-219](http://leg.mt.gov/bills/mca/7/3/7-3-219.htm)(2);
     (l) [7-3-220](http://leg.mt.gov/bills/mca/7/3/7-3-220.htm)(1);
     (m) [7-3-221](http://leg.mt.gov/bills/mca/7/3/7-3-221.htm)(3);
     (n) [7-3-222](http://leg.mt.gov/bills/mca/7/3/7-3-222.htm)(2);
     (o) [7-3-223](http://leg.mt.gov/bills/mca/7/3/7-3-223.htm)(2).
     (2) This form has terms of 4 years for all elected officials. The size of the commission shall be four (4).

**APPENDIX A *(Continued)***

**CERTIFICATE**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

**Commission-Executive Government**

 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;

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

 (1) enforce laws, ordinances, and resolutions;

 (2) perform duties required 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; and

 (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.

 7-3-204 through 7-3-210 reserved.

**APPENDIX A *(Continued)***

**CERTIFICATE**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

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

 (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;

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

 (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission;

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

 (2) prepare the budget in consultation with the commission and department heads.

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

 (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):

 (2) shall be appointed by the executive with the consent of the council;

 NOTE: Position consolidated with Clerk as Clerk-Treasurer.

 7-3-218. Selection of commission members. The commission shall be:

 (2) elected by district in which candidates must reside and which are apportioned by population;

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

 (2) nonpartisan basis.

 7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

 (1) elected by the members of the commission from their own number for a term established by ordinance;

 7-3-221. Presiding officer of commission. The presiding officer of the commission:

 (3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent);

 7-3-222. Terms of commission members. Commission members shall be elected for:

 (2) overlapping terms of office.

***SAMPLE FINAL REPORT***

**APPENDIX A *(Continued)***

**CERTIFICATE**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

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:

 (2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of the Town of Blue Sky do hereby certify that this is the date of the special election approved by the Study Commissioners of Blue Sky.

In testimony whereof, we set our hands.

Done at Blue Sky Town Hall this \_\_\_\_ day of \_\_\_\_\_\_\_\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 BLUE SKY TOWN CLERK

**APPENDIX B**

**CERTIFICATE**

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

If approved by the voters, the government of the Town of Blue Sky shall be organized under the following provisions of 7-3-113, MCA which authorizes the municipal council - mayor form of government.

**7-3-113. Statutory basis for municipal council-mayor government.** (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:
     (a) [7-3-201](http://leg.mt.gov/bills/mca/7/3/7-3-201.htm);
     (b) [7-3-202](http://leg.mt.gov/bills/mca/7/3/7-3-202.htm)(1);
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     (o) [7-3-223](http://leg.mt.gov/bills/mca/7/3/7-3-223.htm)(2).
     (2) This form has terms of 4 years for all elected officials. The size of the commission shall be (four) 4.

**APPENDIX B *(Continued)***

**CERTIFICATE**

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

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

 (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;

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

 (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission;

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

 (2) prepare the budget in consultation with the commission and department heads.

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

 (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):

 (2) shall be appointed by the executive with the consent of the council;

 NOTE: Position consolidated with Clerk as Clerk-Treasurer.

 7-3-218. Selection of commission members. The commission shall be:

 (1) elected at large;

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

 (2) nonpartisan basis.

 7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

 (1) elected by the members of the commission from their own number for a term established by ordinance;

 7-3-221. Presiding officer of commission. The presiding officer of the commission:

 (3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent);

 7-3-222. Terms of commission members. Commission members shall be elected for:

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**APPENDIX B *(Continued)***

**CERTIFICATE**

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

**FOR THE**

**TOWN OF BLUE SKY**

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 (2) 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 years.

We, the Study Commissioners of the Town of Blue Sky do hereby certify that this is the date of the special election approved by the Study Commissioners of Blue Sky.

In testimony whereof, we set our hands.

Done at Blue Sky Town Hall this \_\_\_\_ day of \_\_\_\_\_\_\_\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 BLUE SKY TOWN CLERK

**CERTIFICATE C**

**ESTABLISHING THE DATE OF THE SPECIAL ELECTION**

**AT WHICH THE AMENDED PLAN OF GOVERNMENT SHALL BE PRESENTED**

**TO THE ELECTORS OF THE**

**TOWN OF BLUE SKY**

The amended plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the Town of Blue Sky at a special election to be held with the general election on November 3, 2015.

We, the Study Commissioners of the Town of Blue Sky do hereby certify that this is the date of the special election approved by the Study Commissioners of Blue Sky.

In testimony whereof, we set our hands.

Done at Blue Sky Town Hall this \_\_\_\_ day of \_\_\_\_\_\_\_\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 BLUE SKY TOWN CLERK

**CERTIFICATE D**

**ESTABLISHING THE OFFICIAL BALLOT FOR**

**THE NOVEMBER 3, 2015 SPECIAL ELECTION**

***Instructions to voters:*** Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE AMENDED PLAN OF BLUE SKY TOWN GOVERNMENT

*Vote for One.*

G FOR adoption of the amendment to the existing plan of government providing for at large election of the Blue Sky Town Council proposed by the Blue Sky Study Commission.

G FOR the existing plan of government with ward based election of the Blue Sky Town Council.

We, the Study Commissioners of the Town of Blue Sky do hereby certify that this is the official ballot approved by the Study Commissioners of the Town of Blue Sky.

In testimony whereof, we set our hands.

Done at Blue Sky Town Hall this \_\_\_\_ day of \_\_\_\_\_\_\_\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 BLUE SKY TOWN CLERK

**MODEL # 2**

**PROPOSAL TO CHANGE THE FORM OF GOVERNMENT FROM THE COUNTY COMMISSION FORM TO THE COUNTY MANAGER FORM**

***(Model # 2)***

**FINAL REPORT**

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 2. Separation of Legislative and Administrative Functions

 3. Chief Administrative Officer

 4. Representation

 5. Community Councils

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

 A. Existing Form - Description of General Characteristics

 B. Proposed Form - Description of General Characteristics

 C. Comparison of Specific Characteristics

 D. 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 Apportionment Plan

 Exhibit D: Certificate establishing election date

 Exhibit E: Certificate establishing form of the ballot

 Exhibit F: Certificate establishing dates of elections for officers of new government if proposal is adopted, and establishing the effective date of the proposal if approved.

**I. LETTER TO THE CITIZENS OF BIG SKY COUNTY**

*To the Citizens of Big Sky County:*

 The Big Sky County Study Commission elected by the voters on November 4, 2004, or thereafter appointed, present this final report to you, the citizens of Big Sky 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 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 county as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

 Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to a survey, 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 feel 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 feel the citizens of Big Sky County can achieve these goals by adopting the Commission-Manager form with self-government powers.

 The question of adopting this alternative form of government will be placed on the ballot November 8, 2016.

 Respectfully submitted,

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 Big Sky County Study Commissioners

***Report Summary***

Citizen interest in local government affairs normally is low. A study commission cannot expect that every citizen picking up a final report will read it from front to back. Many citizens, though, may read a clearly marked "Report Summary" located toward the front of the report while they would not be interested in pursuing the arguments behind the summary conclusions. The "Report Summary" also can function as a news release; as such, it would be convenient for the study commissioners and could reinforce citizen attitudes gained from a prior reading of the report.

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 The second part of the "Report Summary" is the study commission's recommendation to the voters. Later in the final report the study commission will give a detailed analysis of its recommendation to the voters; but here this recommendation is condensed into a few sentences. A reader of the "Report Summary" will know specifically what governmental change the study commission is endorsing and placing on the ballot. In the "Report Summary" the recommendation is backed up by the authority of the study commission rather than by a recapitulation of its work.

 Third, the "Report Summary" should include the reasons for the commission's recommendation in abbreviated form. Later on in the final report, the study commission

will compare features of the present and proposed forms of government and evaluate their relative performance in terms of a number of criteria. Only the most important of these conclusions should be contained in the "Report Summary" The reader should be presented with a concise formulation of the most convincing arguments for change.

A model "Report Summary" follows:

 **II. REPORT SUMMARY**

 The Big Sky County Local Government Study Commission having thoroughly studied our present form of county government and the alternative forms of government available to counties under state law, and having studied the future governmental needs of this county, recommends the following:

1. Big Sky County should adopt effective July 1, 2017, the commission-manager form of government with self-government powers. A commission, or elected legislative body, of five (5) members shall be elected for four (4) year terms of office. Three (3) members shall be elected from districts in which they reside and which are apportioned by population. Two (2) members of the commission shall be elected at-large. Community councils of three members shall be elected in each district.

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

3. The question on the form of government and the sup-option shall be submitted to the voters of Big Sky County on November 8, 2016.

 ***A. Findings of the Study Commission***

 After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of county government that will provide a governmental framework to meet the changing needs of this county. Problem areas that were identified during the course of the study by research, discussion, public hearings, testimony of public officials, and citizen surveys indicate that in exercising its traditional functions, county government lacks the authority it needs. If county government is to play a wider role it must have adequate legal authority to act; it must also have more control over its organizational structure so that it can act effectively and oversee the performance of county functions.

 The "traditional" form of county government has existed in Big Sky County since the creation of the county in 1885, and is basically the same government as was originally described in the 1889 Constitution. The form still reflects its "traditional" role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law, and its authority to deal with local problems is limited.

**Findings of the Study Commission *(continued)***

 The needs of the county, however, have changed since 1885. Population is increasing rapidly, population patterns are shifting, and citizen demands for services are rising. Population patterns indicate that the greatest population increase is taking place outside the incorporated cities of the county. While the population of the urban areas increased by 12.4% during the last 10 years, the rural non-farm growth increased by 37.2%. This population increase is placing heavy new demands on county government to provide urban services such as sewer, water and refuse disposal. To effectively respond to these growing needs, county government must modify its structure and authority. The study commission also believes that a separation of legislative and administrative functions is needed to provide "checks and balances" in county government.

 Other areas of concern also emerged during the course of the study which affected the study commission's choice of an alternative form. Citizen response to the survey which was conducted, and testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in county government. These frustrations and expectations of citizens and local officials alike, in addition to the changing role of county government, and growing needs of the county, led the study commission to identify five basic goals:

1. Local control over local problems;

2. Government that is responsive to citizens;

3. Government that is efficient;

4. A government structure that allows maximum participation by citizens;

5. A government structure with adequate "checks and balances".

 In an attempt to achieve these goals, the study commission has recommended a commission-manager form of government with self-government powers, a larger commission, and community councils.

**B. Key Provisions of the Proposal**

***1. Self-Government Powers***

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

 The new constitution provides that "self-government powers" can be adopted by counties along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and the county. Certain areas of control would be transferred from the state legislature to the county commission. Some decisions that are now made on a state-wide basis by the legislature could be made at the county level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our county. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and more responsibility to recognize and deal with these problems.

***2. Separation of Legislative and Administrative Functions***

 In its traditional role as an administrative arm of state government, the organizational structure of the county may have been adequate. This structure of ten separate elective offices and a three member commission, however, has weaknesses that do not allow it to adequately handle the increased responsibility in county government. The existing county commission lacks the authority to determine county-wide needs, priorities and policies. The existing government lacks an administrative head, a person responsible for supervision the functions and services provided by county government to see that the goals of the county are carried out as efficiently as possible. At present, these functions and services are provided by ten separate offices and twenty two (22) boards, commissions, and special districts. No one in county government has the authority to coordinate these offices and boards or to supervise their programs. Many are substantially independent of any control.

 In the proposed form of government a commission of five members will act as a legislative body with the power to formulate county policy. The commissioners will have the authority to enact ordinances to carry out that policy. The responsibility of administering and enforcing these ordinances lies with the county manager.

***Notice Requirements for the Summary Report if an Alternative is Recommended***

**Key Provisions of the Proposal *(continued)***

***3. Chief Administrative Officer***

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

***4. Representation***

 Creating a commission of five (5) members will provide a legislative body large enough to insure adequate representation and small enough to be efficient. The method of election--three members elected by district and two elected at-large--will allow the interests of each district to be represented, but at the same time those elected at-large will provide a county-wide perspective.

***5. Community Councils***

 In each of the three commissioner districts a "community council" will be elected. Composed of three members, the community council will maintain regular dialogue with the commissioner from that district and will keep him or her informed as to the needs and interests of the residents of the district.

 The requirements for the summary report are found in 7-3-191. Each study commission shall publish once each week for two successive weeks in a newspaper of general circulation throughout the area of the affected local government a summary of its findings and recommendations, together with the address of a convenient public place where the text of its proposal may be obtained. The summary shall include a comparison of the existing and proposed plans of government.

 The summary shown above may be too long for newspaper publication. You may decide to publish the recommendations for change, the first part of the summary given along with the chart comparing specific characteristics of the present and proposed forms of government (see Table 4-2)

***Comparison of Existing Form of Government and the Proposed Form of Government***

 The comparison of the two forms of government should include at least three separate parts. First, the forms should be compared in terms of their general characteristics, such as required positions and departments and lines of authority. Second, the present and proposed forms should be compared in terms of specific governmental characteristics. This more detailed analysis will lead to a judgment of each form's strengths and weaknesses from many perspectives. Third, the study commission should make its recommendation to the voters and give reasons in support of its position. The basis of the recommendation should be an overall evaluation of each form according to several classical standards of governmental performance. These three procedures for comparing governmental forms will be discussed below.

 ***Comparison of General Characteristics.*** The aim of this comparison is to depict the fundamental relationships and reporting lines in the two governmental forms. Two methods should be used in order to accomplish this objective: an organization chart and an explanatory narrative. The graphic display and accompanying discussion will point out some general but crucial differences between the forms and set the stage for a more detailed comparison which will follow. These fundamental points of comparison include the degree of separation between the executive position and legislative body, the degree that administration is formally centralized, the relative mix of appointed and elected officials, and opportunities for direct citizen participation. The initial comparison, therefore, sets out only a broad comparative framework.

 ***Comparison of Specific Characteristics***. A more detailed analysis is necessary in order to appreciate the significant differences between the present and proposed forms of government. This second step in comparing the forms focuses on the nature and function of the governmental offices and machinery. Whereas the first step gives the reader a graphic overview of the two forms, this step takes the reader on a guided tour of both structures. Such a comparison has four components: the specific structural characteristic being compared; its appearance and definition in the old form; its appearance and definition in the proposed form; and the study commission's evaluative comments on the incorporation of the specific governmental characteristic in the two forms. The comparison of the present form discussion and proposed form discussion with respect to each specific feature naturally leads to the commission's judgment of relative merit. This series of judgments will serve as the basis of the commission's recommendation to the voters.

 An effective method of presenting the four categories of information in this comparison appears to be a tabular arrangement. This table would be introduced by an explanatory paragraph and would be constructed with four columns; structural characteristic, present form of government, proposed form of government, and evaluative comments.

 The "structural characteristics" column appears first in the table. Its function is to alert the reader to the basis for the comparison which follows. Study commissions should be careful not to make their column headings too broad or general. More specific items will focus the discussion in the subsequent columns and allow a more meaningful judgment in the "evaluative comments" column. There are many possible ways of characterizing, arranging, and formatting these "structural characteristic" columns. The following scheme is only suggestive:

 Powers authorization

 Commission size

 Commission election districts

 Elections--partisan or non-partisan

 Commission terms--arrangement

 Commission terms--length

 Commission presiding officer

 Commission administrative function

 Elected officials

 Chief administrative officer

 Appointment powers

 Budget powers

 Veto powers

 Administrative assistant

 Boards and commissions

 Community councils

 The "present form of government" column in each comparison should spell out if and how the structural feature in point appears in the existing government. The discussion should be extremely brief--one short paragraph is recommended. Back up data in the form of charts, tables, or figures (such as number of employees, tax base, population change) should be referenced in the table and located in an appendix. To the degree possible, information in this column should be supportive and reflect the study commissioner's judgment in the "evaluative comments" column.

 The "proposed form of government" column serves the same purpose in the comparison with respect to the alternative form as the "present form of government" column does for the existing government. As above, the discussion should be brief and data that is necessary and can be graphically displayed should be noted and placed elsewhere. Any structural features of the alternative form which will be presented to the voters as a ballot sub-option should be clearly indicated.

 The "evaluative comments" column is the logical development from the parallel discussion of the two forms on each structural point. Here the study commission briefly and concisely says which form is best with respect to the characteristic being considered. This column will consist of a series of judgments of the relative worth of the two forms. These evaluations will be anchored to the concrete observations of the preceding two columns. If extensive back-up argument or data is felt to be necessary in the "evaluative comments" column, the study commission should, again, make reference in the column to its inclusion in the appendix.

***Recommendations to the Voters.*** The preceding comparative analysis will lead to a series of judgments about the relative merit of the two competing governmental structures. These judgments will probably have focused on specific operational aspects of a county or municipal government. Taken together they will allow a study commission to make an overall judgment of the relative worth of the two forms and to make a recommendation to the community's voters. This last step in the comparison of the present and proposed forms of government sets forth your recommendation and the reasons behind it.

There should be two parts to this section: "Recommendations" and "Reasons". The recommendation of the study commission to the voters should be expressed in an introductory paragraph that is direct, brief, and concise. here the study commission says that form ""X is preferable to form "Y". Then the commission states its criteria for this recommendation. Typical criteria widely used to compare forms of government are representation, economy, efficiency, responsiveness, accountability, checks and balances, leadership and planning.

 A study commission could list all of these eight criteria, some of them, none of them, or some other fundamental evaluative standards. The point is that the reader's attention at this time should be focused on a method of overall assessment and of justification of the commission's recommendation. A model follows.
structures. These judgments will probably have focused on specific operational aspects of a county or municipal government. Taken together they will allow a study commission to make an overall judgment of the relative worth of the two forms and to make a recommendation to the community's voters. This last step in the comparison of the present and proposed forms of government sets forth your recommendation and the reasons behind it.

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

**THE PROPOSED FORM OF GOVERNMENT**

***EXISTING FORM***

 ***Policy-making and administrative structure***. The "traditional" form of county government has existed in Big Sky County since the creation of the county in 1885. It is basically the same government as described in the 1889 constitution; in structure and powers it reflects its role as an administrative arm of state government. It can best be described as a collection of 14 somewhat autonomous administrative offices consisting of a commission of three members and ten elected officials. In addition, many boards, commissions and special districts operate within county government.

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

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

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

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

 Sheriff

 County Attorney

 Clerk and Recorder

 County Superintendent of Schools

 Surveyor

 Coroner

 Public Administrator

 Treasurer

 Clerk of District Court

 Auditor

 There should be two parts to this section: "Recommendations" and "Reasons". The recommendation of the study commission to the voters should be expressed in an introductory paragraph that is direct, brief, and concise. Here the study commission says that form "X" is preferable to form "Y". Then the commission states its criteria for this recommendation. Typical criteria widely used to compare forms of government are: economy, efficiency, representation, responsiveness, accountability, checks and balances, leadership and planning.

**PROPOSED FORM** **OF GOVERNMENT**

***Policy-making and administrative structure***. Under the commission-manager form, five commissioners are elected, three from districts and two at-large. Terms are four years and are overlapping. The question of whether or not commissioners should be elected on a partisan or non-partisan basis will be determined by the voters on November 8, 2016.

 The commission would make policy, pass ordinances and resolutions, review, modify, and approve the budget, determine the department structure of county government, appoint boards which are continued and possibly eliminate other boards and place their functions under direction of the manager. The commission also appoints the county manager and can replace him or her at any time.

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

 Under the proposed form, administrative responsibility and authority are centralized under the office of the manager. There are no elected administrators, only policy-makers are elected. The commissioners are the policy-makers and the legislative body of county government. They appoint the manager and the manager carries out and administers the policies and ordinances of the commission. The manager has no vote on the commission and no veto authority over commission ordinances and resolutions. The manager is responsible to the commission and may be replaced at any time by the commissioners.

 In addition, under the proposed form there are community councils. These councils will serve as advisory bodies to discuss the concerns of the people of each commissioner district with the commissioner from that district.

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

**PROPOSED FORM** ***(continued)***

***Power and authority.*** Under provisions of the 1972 Montana Constitution and state laws passed in 1975, voters in Montana counties, through the proposals of their local government study commissions, can choose a different kind of power and authority for their county government. This arrangement of state-local power sharing is called "self-government powers". Self-government powers means that a local government with those powers can take any action or engage in any activity unless specifically prohibited by the state or U.S. Constitution, state law or local charter. Essentially, this is a reversal of the old rules regarding local government powers in that there is no need for a grant of powers, since the local unit is free to act unless prohibited.

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

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

**Comparison of Specific Characteristics of the Existing and the**

**Proposed Forms of Government**

 The following chart (Table 4-1) compares thirteen characteristics of the existing form of county government with the proposed form of government. Under the last column entitled "comments" the study commission has included short summaries of why they are proposing some changes in each area.

**TABLE 4-1**

**COMPARISON OF SPECIFIC CHARACTERISTICS**

|  |  |  |  |
| --- | --- | --- | --- |
| **CHARACTERISTIC** | **PRESENT FORM**  | **PROPOSED FORM**  | **EVALUATIVE COMMENTS** |
| **Form of Government** | ***COMMISSION***Merges legislative, administrative and executive powers in commission. | ***COMMISSION-MANAGER*** Elected commission determines policy. Manager hired to administer policy. | Separation of legislative and administrative responsibilities. Manager appointed on basis of experience and training. |
| **Powers** | GENERAL GOVERNMENT POWERSState law defines what government may do and specifically how it shall do it. Little power to pass ordinances. | SELF-GOVERNMENT POWERSCounty government shall exercise any power which the state does not deny. Legislative power vested in the Council | Self-government powers bring to the county the power to act in its own best interest, and flexibility in shaping government structure. |
| **Governing Body** **Size** **Election** **Term** **Presiding Officer** **Duties** | 3 commissioners nominated by district, elected at-large.Partisan.6 year overlapping terms.Chairman--Elected from own members.Commission is responsible for executive and many administrative functions.Administrative powers are shared with other elected officials. | 5 member Council, 3 elected in district in which they reside, 2 elected at-largeTo be determined by vote.4 year concurrent term.Chairman--Elected from own members. Council is the legislative policy making body. Hires a professional manager to administer all departments. | Increase in the size of the council will allow greater representation.District representation assures the council viewpoints from all sections of the county. At-large commission will offer county-wide perspective.Shorter terms on a concurrent basis should cause council to be more responsive to voters.Frees council from administration responsibilities to concentrate on policy-making role. |
| **Other Elected Officials** | 10 elected officials: Clerk & Recorder County Attorney Sheriff Treasurer Clerk of Court Public Administrator Coroner Superintendent of Schools Surveyor Auditor | None. | Independent offices brought under supervision of manager. Qualifications for offices can be established. |

**TABLE 4-1 *(Continued)***

**COMPARISON OF SPECIFIC CHARACTERISTICS**

|  |  |  |  |
| --- | --- | --- | --- |
|  **CHARACTERISTIC** |  **PRESENT FORM OF**  **GOVERNMENT** |  **PROPOSED FORM OF** **GOVERNMENT** |  **EVALUATIVE COMMENTS** |
| **Chief Administrative****Officer** | None.Administrative responsibility shared by commissioners, elected officials, and various boards. | The *County Manager* directs and supervises the administration of all departments. | Better overall coordination is possible. Clear lines of authority and responsibility. |
| **Appointment Powers** | Commission appoints department heads not elected, members of boards, commissions, special districts. | *Commission* appoints and removes County Manager, members of boards and commissions.*County Manager* appoints and removes all department heads and employees and temporary advisory committees. | Department heads appointed on basis of qualifications. Responsible to County Manager. Members of boards and commissions continue to be appointed by the commission. |
| **Budget Preparation** | Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission. | Manager prepares budget. Commission modifies and/or approves. | Manager can balance priorities set by commission with available county-wide resources, also balance needs of individual departments with overall needs and re-sources of county. |
| **Service Delivery Structure** | Performed by elected offices and appointed boards, commissions and special districts. | County activities could be grouped into a few departments on basis of function. Services per-formed by departments under supervision of county manager. | Many functions now performed by independently elected offices or independent boards are brought under supervision of a professional manager and commission control. |
| **Community Councils** | None. | Provides for community councils of three members from each district within the county. | Should encourage citizen involvement by providing a structure for participation. |

**PROPOSED FORM** ***(continued)***

**Recommendations and Reasons**

The first responsibility of the study commission was to study and evaluate the present form of government in this county; the second responsibility was to compare the existing form with alternative forms available to Montana counties; and then to decide whether or not to offer an alternative that can best meet the needs of this county to the voters.

 The decision of the Big Sky County study commission to recommend a commission-manager form with self-government powers is made in the belief that such a government can best meet county needs as identified during the course of this study.

 Citizen response to a survey that was conducted, and testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in county government. A major concern of our county commissioners was their lack of authority to deal with many local problems, and especially their lack of authority to supervise and coordinate the many independent county offices. Although held responsible for county operations, they actually have little supervisory control over these operations.

 In addition to these concerns of citizens and local officials, the study commission considered what population growth in our area would mean for county government. While the population of the urban area increased by 12.4% during the last ten years, the rural non-farm growth increased by 37.2%. This increase is placing new demands on county government to provide urban services such as sewer, water and refuse disposal.

 Taking into consideration the frustrations and expectations of citizens and local officials alike, along with the changing role of county government and the growing needs of the county, the study commission identified five basic criteria or goals which the recommended form should meet. The proposed form of government would fulfill these goals in the following ways:

***1. Government Structures with Adequate Checks and Balances***. A major problem in the existing form of county government is that there is no separation between policy-making and administrative functions. Commissioners, for example, formulate, approve, and administer the county budget. A commission-manager form will provide a separation of legislative and administrative functions. Elected commissioners will determine which programs and services will be provided by the county; the manager's responsibility will be to administer those programs in the most effective, efficient manner.

***2. Government that is Responsive to Citizens***. County government that can respond to citizen needs must first have adequate representation so that all interests in the county are represented; second, it must

have sufficient authority so that it can take action when necessary; and third, it must have an administrative structure that can effectively provide service and carry out programs.

**Recommendations and Reasons** ***(continued)***

 In the opinion of the study commission, the present form of government has weaknesses in structure and authority that prevent it from accomplishing these goals.

 It is questionable whether a commission of three members is large enough to represent the many diverse interests of a county with two incorporated cities, several unincorporated areas, a rural farm population, and a growing "suburban" population. Each of these population groups has specific problems that county government must deal with, and it is doubtful that three commissioners can represent these interests. The three commissioners elected by district in the proposed form would insure a voice for the rural, suburban and city population, while the two commissioners elected at-large would represent the interests of the county as a whole. In addition, community councils elected in each district would provide further representation.

 The term of office for county commissioners in the proposed form has been reduced from 6 years to 4 years. Having to face elections more frequently should help to make commissioners more responsive to the people of the county. A shorter term of office, plus making the office of county commissioner a part-time position could also stimulate greater interest in running for county office. Under the proposed form, county commissioners would be policy-makers only with the administrative tasks falling to the manager. Under this system, commissioners should have to meet only once a week to make policy. This would mean anyone, even those who are employed full time, could serve as a county commissioner. Presently, because of the press of administrative duties, these positions are full time positions which greatly limits the people who can run for office.

 County government under the present form has been severely limited in its ability to respond to the local problems due to its limited authority. County government can't be held responsible if it doesn't have the authority it needs to act. The adoption of self-government powers would give more authority to county government to deal with local problems.

 In the area of administrative structure, Big Sky County study commission concluded that there were several significant problems. It seemed clear, for example, that there is currently no centralized or administrative authority in county government. It is unclear who, if anyone, is actually running Big Sky County. This fragmentation of authority is partly due to the many independent elected officials who are not formally coordinated in any way. There is no central focus in which county-wide priorities can be established and implemented.

 A second problem which the study commission identified was the further fragmentation of responsibility through the proliferation of boards. These boards are often small independent governments of their own which operate outside of the public eye. There is a lack of accountability to the people of the county when voters have no idea who serves on these boards or what the boards do.

 The commission-manager form would provide an effective administrative structure for county government by establishing clear lines of responsibility and authority: a legislative body with ordinance-making authority capable of formulating and adopting policy, and a chief administrative officer with the authority to supervise and coordinate the many activities of county government, while still being responsible to the commission.

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

**Recommendations and Reasons** ***(continued)***

 The study commission has also dealt with the public involvement problem by including "community councils" in their proposed form of government. These councils would provide a mechanism for greater public participation in the affairs of county government. Under the proposed form there will be three member community councils elected in each commissioner district. These councils would act in an advisory capacity to the commissioner from that district and would provide a structure for regular communication between citizens and their elected representatives.

***5. Government That is Efficient.*** The study commission believes that to achieve greater efficiency significant changes need to be made in the organizational structure of county government.

 At the present time, county government consists of 14 somewhat autonomous administrative offices plus many separate boards, commissions and special districts. Elected officials are independent of all but minimal budget control by county commissioners who have almost no authority to supervise them or to coordinate activities of various departments. As an example, even purchasing is not centralized at the present time, but is handled by each department. The duties and functions of each officer are authorized in state law and any eligible voter regardless of qualifications can run for county office. While these officials feel they are responsible to the voters, the voters in fact rarely know who county officials are or if they perform their duties adequately.

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

 With the adoption of self-government powers, it would also mean that the county could provide services directly rather than through autonomous boards. It could also mean better cooperation between cities and counties in the delivery of services, since county government would have increased authority and flexibility in determining the level and administrative structure for the delivery of service.

 In view of the increasing complexity of county government and the growing needs for service, it is the judgment of Big Sky County study commission that these problems can best be met through the adoption of the county-manager form of government.

***The Required Report Certificates*** Montana law calls for the inclusion of certain certificates, signed by a majority of the study commission, in the final report. Some of these are mandatory and some are optional. The required certificates include:

1. the plan of government of the existing form,

2. the plan of government of the proposed form or amendments to the existing plan,

3. the date of the special election, which may be held in conjunction with a regularly scheduled election,

4. the form of the ballot question or questions,

5. the dates of the first primary and general elections for officers of a new government and the effective date of the proposal if it is approved.

 The optional certificates include:

1. the plan for consolidation (if consolidation is proposed),

2. the plan for apportionment (if election districts are contained in the plan of government of the alternative form),

3. the plan for disincorporation (in lieu of the plan for the proposed form of government).

 Models of the four required certificates and of an apportionment certificate are shown below.

 **APPENDIX A**

**CERTIFICATE**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**FOR**

**BIG SKY COUNTY**

If retained by the voters, the government of Big Sky County shall be organized under the following provisions of 7-3-111, MCA which authorizes the elected county official form of government;

 **7-3-111. Statutory basis for elected county official government**. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

 (a) 7-3-401;

 (b) 7-3-402;

 (c) 7-3-412(3);

 (d) 7-3-413(1);

 (e) 7-3-414(1);

 (f) 7-3-415(2);

 (g) 7-3-416(2);

 (h) 7-3-417(2);

 (i) 7-3-418;

 (j) 7-3-432(1);

 (k) 7-3-433(1);

 (l) 7-3-434(1);

 (m) 7-3-435(1);

 (n) 7-3-436(1);

 (o) 7-3-437(1);

 (p) 7-3-438(1);

 (q) 7-3-439(1);

 (r) 7-3-440(1);

 (s) 7-3-441(1);

 (t) 7-3-442(1) if the county has elected an auditor;

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

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

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

**CERTIFICATE A *(continued*)**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**7-3-401. Commission form**. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

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

**7-3-412 (3). Selection of commission members**. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

**7-3-413 (1). Type of election**. Local government elections shall be conducted on a partisan basis.

**7-3-414 (1). Chairman of commission**. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

**7-3-415 (2). Administrative assistants**. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

**7-3-416 (2). Terms of the commission members**. Commission members shall be elected for overlapping terms of office.

**7-3-417 (2). Size of commission and community councils**. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

**7-3-418. Terms of elected officials**. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

**7-3-432 (1). Legal officer**. A legal officer (who may be called the county attorney) shall be elected.

**7-3-433 (1). Law enforcement officer**. A law enforcement officer (who may be called the sheriff) shall be elected.

**7-3-434 (1). Clerk and recorder**. A clerk and recorder shall be elected.

**CERTIFICATE A *(continued*)**

**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

**7-3-435 (1). Clerk of district court**. A clerk of district court shall be elected.

**7-3-436 (1). Treasurer**. A treasurer shall be elected.

**7-3-437 (1). Surveyor**. A surveyor shall be elected.

**7-3-438 (1). Superintendent of schools**. A superintendent of schools shall be elected.

**7-3-439 (1). Assessor**. An assessor shall be elected.

**7-3-440 (1). Coroner**. A coroner shall be elected.

**7-3-441 (1). Public administrator**. A public administrator shall be elected.

**7-3-442 (1). Auditor**. An auditor shall be elected if the county has elected an auditor.

**7-3-442 (6). Auditor**. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.

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

 SEAL

In testimony whereof, we set our hands.

Done at \_\_\_ this \_\_\_ day of 200\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CLERK & RECORDER OF BIG SKY COUNTY

**CERTIFICATE B**

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

**FOR**

**BIG SKY COUNTY**

Upon approval of the majority of voters, the government of Big Sky County shall be organized under the following provisions of Section 7-3-112, MCA.

 **7-3-112. Statutory basis for the county manager government**. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the county manager form of government shall be governed by the following statutes:

 (a) 7-3-301;

 (b) 7-3-302(2);

 (c) 7-3-303;

 (d) 7-3-304;

 (e) 7-3-305;

 (f) 7-3-312(2);

 (g) 7-3-313(2);

 (h)7-3-314 (2);

 (i) 7-3-315(1);

 (j) 7-3-316(2);

 (k) 7-3-317(2);

 (l) 7-3-318.

 (2) Commissioners are elected to 6-year terms. The size of the commission shall be established by ordinance, but it may not exceed five members.

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

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

**7-3-302 (2). Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing self-government powers.

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

**CERTIFICATE B (*continued)***

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

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

 (1) enforce laws, ordinances, and resolutions;

 (2) perform the duties required by law, ordinance, or resolution;

 (3) administer the affairs of the local government;

 (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;

 (5) carry out policies established by the commission;

 (6) prepare the commission agenda;

 (7) recommend measures to the commission;

 (8) report to the commission on the affairs and financial condition of the local government;

 (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

 (10) report to the commission as the commission may require;

 (11) attend commission meetings and may take part in the discussion but may not vote;

 (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

 (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;

 (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government. (1) Employees appointed by the manager and the manager's subordinates must be administratively responsible to the manager.

 (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of the manager's subordinates are empowered to appoint.

 (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to the employee, either publicly or privately.

7-3-306 through 7-3-310 reserved.

7-3-312. Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, must be appointed by:

 (2) the manager with the consent of the commission;

7-3-313. Selection of commission members. The commission shall be:

 (2) elected by districts in which candidates must reside and which are apportioned by population;

7-3-314. Type of election. Local government elections shall be conducted on a:

 (2) nonpartisan basis

**CERTIFICATE B *(continued)***

**ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT**

**7-3-315 (1). Chairman of commission.** The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

**7-3-316 (2). Terms of commission members.** Commission members shall be elected for overlapping terms of office.

**7-3-317 (1). Size of commission and community councils.** The size of the commission shall be five (5), elected and community councils of three (3) members shall be elected within each district to advise the commissioner from that district.

**7-3-318. Terms of elected officials.** The term of office of elected officials shall be four (4) years.

We, the Study Commission of Big Sky County do hereby certify that this is the Proposed Plan of Government approved by the study commissioners of Big Sky County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_\_\_\_this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

**SEAL**

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CLERK & RECORDER OF BIG SKY COUNTY

**CERTIFICATE C**

**FOR THE APPORTIONMENT**

**OF COMMISSIONER DISTRICTS**

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

**DISTRICT IDEAL POPULATION 2000 POPULATION % DEVIATION**

 **FROM IDEAL**

 **POPULATION**

 1 3,779 3,194 +3.6%

 2 3,779 3,954 +4.6%

 3 3,779 3,469 -8.2%

***NOTES:***

1. Ideal population is calculated by dividing the total 2000 population of Big Sky County by the number of County Commission districts (11,337/3 = 3,779).

2. The 2000 population is derived from the U.S. Bureau of the Census 201 P.L. 94-171 Digital Data Files.

We, the Study Commission of Big Sky County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Big Sky County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 200\_

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

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 CLERK & RECORDER OF BIG SKY COUNTY

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**CERTIFICATE D**

**ESTABLISHING THE DATE OF THE SPECIAL ELECTION**

**AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT**

**SHALL BE PRESENTED TO THE ELECTORS OF**

**BIG SKY COUNTY**

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Big Sky County at a special election to be held with the general election on November 8, 2016.

We, the Study Commissioners of Big Sky County do hereby certify that this is the date of the special election approved by the Study Commissioners of Big Sky County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_\_\_\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

SEAL

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CLERK & RECORDER OF

 BIG SKY COUNTY

**CERTIFICATE E**

**ESTABLISHING THE OFFICIAL BALLOT FOR**

**THE NOVEMBER 8, 2016 SPECIAL ELECTION**

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

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

*PLEASE VOTE ON BOTH ISSUES*

*1*.

*Vote for One.*

G FOR adoption of the commission-manager form of government proposed in the report of the Big Sky County Local Government Study Commission.

G FOR the existing form of government.

*2.*

*Vote for One.*

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

Local government elections:

G Shall be conducted on a partisan basis.

1. Shall be conducted on a non-partisan basis.

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

SEAL

In testimony whereof, we set our hand:

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 *LOCAL GOVERNMENT STUDY* COMMISSIONERS

SEAL

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_

CLERK & RECORDER OF BIG SKY COUNTY

**CERTIFICATE F**

**ESTABLISHING THE DATES OF THE FIRST PRIMARY AND GENERAL ELECTIONS**

**FOR OFFICERS OF THE NEW GOVERNMENT OF BIG SKY COUNTY**

**IF THE ALTERNATIVE PROPOSAL IS APPROVED**

**AND**

**ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSAL IF APPROVED**

 The date of the primary election for officers of the new government of Big Sky County shall be held at a special election on June 6, 2018.

 The date of the general election for officers of the new government of Big Sky County shall be held at a special election on November 7, 2018.

 The effective date of the alternative plan of local government of Big Sky County takes effect when the officers take office at 10 a.m., November 19, 2018.

We, the Study Commissioners of Big Sky County do hereby certify that these are the dates of the special primary and general elections and the effective date of the alternative plan of local government of Big Sky County approved by the Study Commissioners of Big Sky County.

In testimony whereof, we set our hands.

Done at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_,20\_.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*

SEAL

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CLERK & RECORDER OF BIG SKY COUNTY*S*

**REPORT IF SPECIAL RECOMMENDATIONS ARE INCLUDED**

***Consolidation or County Merger***

 City-County consolidation or merger of two or more counties may be placed on the ballot only by a joint report by cooperating study commissions. A final report, in addition to the material required in 7-3-187, must contain a consolidation plan if county-municipal consolidation or county merger is recommended. The consolidation plan must conform to the provisions and requirements relating to petitions in 7-3-143 whenever county-municipal consolidation is recommended; or 7-3-144 whenever county merger is recommended.

 The final report for consolidation or county merger looks very much like the model final report detailed above except that additional categories of information must be included.

***Special Requirements if Consolidation is Recommended***. The consolidation plan must be included in the final report. It must provide for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service. It provides for establishment of subordinate service districts. It provides for the transfer or other disposition of property and other rights, claims, assets, and franchises of the local governments consolidated under its proposal. It provides the official name of the consolidated local government and it provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of all existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities. It grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries (and may provide a method for adjusting boundaries), or absorb existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts and nonconsolidated municipalities, with or without referendum requirements.

 The consolidation plan may include other provisions that are consistent with state law.

 Study commissions who are following such a joint study should remember that if a consolidation plan is proposed, each local government must include a description of their existing plan of government in their final report.

***Special Requirements if County Merger is Recommended***. Whenever county merger is recommended the final report must include the same categories of information as are required in the final report for an alternative plan of government plus a consolidation plan. The consolidation plan must provide for adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service. It must provide for establishment of subordinate service districts. It provides for the transfer or other disposition of property and other rights, claims, assets and franchises of local governments consolidated under the alternative plan. It provides the official name of the consolidated local government. It provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities. It grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries, or absorb existing boards, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments, excluding school districts, authorities, and incorporated municipalities, with or without referendum requirements.

***Disincorporation***

 If a study commission proposes municipal disincorporation, the final report shall contain a certificate of disincorporation instead of a plan of government, and a recommended plan of disincorporation. All of the other material required by 7-3-142, MCA must also be included. The report requirements for disincorporation are found in 7-3-145, MCA and 7-3-189, MCA.

 **SUPPLEMENTARY REPORTS**

 A study commission may prepare a supplementary report in addition to its final report. this report may recommend consolidation of services and functions and indicate potential areas for interlocal agreements.

 City-county service consolidation is possible under Montana statute. In order for such a proposal to be put to the electors, there must be cooperation between two study commissions considering such possibilities. It is possible that a municipal study commission concludes that consolidation of some service should be suggested, but that its county study commission is not interested, or that the county did not vote for voter review, and therefore has no mechanism for cooperating. In either case a supplementary report to the municipality may cause the municipality to investigate further and take steps to implement the suggested change with the cooperation of the county. A model supplementary report follows:

**SUPPLEMENTARY REPORT OF THE TOWN OF BLUE SKY**

 The Blue Sky Study Commission has spent eighteen months studying the local government. During that time elected officials and department heads were interviewed. The city budget was examined. Citizens were surveyed. The study commission has spoken to fifteen civic organizations and other community groups. The form of government was studied and compared with others allowed by Montana statute. The delivery of services was examined.

 The one service that was consistently brought to the attention of the study commission was that of law enforcement. The specific concerns that were mentioned were the inadequacy of the city jail which was constructed in 1910, and the demands on the budget caused by the need for additional policemen. If the jail were to be inspected it could not pass fire code inspection or meet modern legal requirements for jail construction. This community can no longer afford to wait and hope that improvements will be made sometime. The tax base of Blue Sky provides for minimal services and cannot provide for the additional tax burden that is suggested by the need to improve both law enforcement and the jail.

 Big Sky County jail, which was constructed in 1965, is in adequate condition, and has the capacity to house any prisoners the city may have. The study commission has examined the number of prisoners housed in the county jail for the last year and has found that at any given time they could have easily accommodated the number of people held by the city police.

 In the last year the police bargaining unit has gained agreement from the city to hire two additional police officers in order to staff the night shift. That brings the total number of police to eight. The additional burden to the city budget is $60,000. It is a burden that has forced the city to forego other much needed services.

 The study commission has met with the county sheriff to discuss the situation. The sheriff has 15 deputies. He reported that with consolidated forces the city could eliminate one of the positions and at the same time continue to provide adequate police protection. A combined police force would be managed more efficiently than the two separate forces.

 The Blue Sky Study Commission recommends that the Blue Sky City Council investigate consolidating the city jail with the county jail and consolidating the city police with the county police.

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 *LOCAL GOVERNMENT STUDY COMMISSIONERS*