

FINAL REPORT and PROPOSED ALTERNATIVE FORM OF GOVERNMENT

MINORITY REPORT PAGE ELEVEN

PROPOSED CHARTER Charter of Anaconda-Deer Lodge County

Preamble

We, the people of Anaconda-Deer Lodge County, State of Montana, in accordance with Article XI, Section 5, of the Constitution of the State of Montana and for the purpose of maintaining one community, do adopt this Charter of Anaconda-Deer Lodge County, State of Montana.

Article I General Provisions

Section 1. Name

The name of this local government unit shall be Anaconda-Deer Lodge County.

Section 2. Status

Anaconda-Deer Lodge County shall have the status of an incorporated municipality and a county.

Section 3. Boundaries.

The boundaries of Anaconda-Deer Lodge County shall be the same as those of Deer Lodge County as described in the laws of Montana.

Section 4. Charter Supremacy.

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

Section 5. Oath of Office

Before entering upon the duties of office, all Anaconda-Deer Lodge County elected officials shall take and subscribe to the oath of office as follows: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, the Constitution of the State of Montana, this Charter, and that I will discharge the duties of my office with fidelity (so help me God)."

Article II Powers

Section 1. Declaration of Powers.

- Anaconda-Deer Lodge County shall have all powers not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter.
- Enumeration of rights, powers or duties in this Charter shall not be considered exclusive or restrictive.

From the Anaconda-Deer Lodge County Local Government Study Commission

Section 2. Interpretation of Powers.

The powers and authority of Anaconda-Deer Lodge County shall be liberally interpreted. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

Section 3. Exercise of Powers.

All powers of Anaconda-Deer Lodge County belong to the people of Anaconda-Deer Lodge County. The powers shall be exercised by their elected representatives.

Section 4. Existing Obligations.

Any bond, debt, contract, obligation, or cause of action already accrued or established by the Anaconda-Deer Lodge County government shall be unaffected by this Charter.

Section 5. Election of Officials.

- Election of Full-Time "Chief Executive" whose duties will be executive and Administrative.
- Election of:
 - Sheriff
 - Clerk and Recorder
 - Treasurer
 - Clerk of the District Court
 - Public Administrator
 - Part-time Superintendent of Schools

Section 6. Establish a Public Works Department.

- Combine engineering, roads, parks, code enforcement, equipment corrals and centralized purchase control.
- A Public Works Department is hereby established.
 - The Public Works Department shall consist of engineering, roads, parks, code enforcement, equipment corrals and centralized purchase control.
 - The qualifications of the director and personnel shall be as provided by ordinance.

Section 7. Appointed Officers and Employees.

- Any appointed officer or employee of Anaconda-Deer Lodge County may seek an elected office without forfeiting the office or employment held under the existing Anaconda-Deer Lodge County Government.
- Upon his/her election said officer or employee shall serve in the appointed office until the oath of office for elected position is taken and they shall then forfeit the appointed office in favor of the elected position.

Article III Commission

Section 1. Powers.

The Anaconda-Deer Lodge County Commission shall be the legislative and policymaking body of Anaconda-Deer Lodge County. Except as otherwise provided by this Charter, the Commission shall exercise all powers of Anaconda-Deer Lodge County which include, but are not limited to, the power:

- to adopt ordinances and resolutions.
- to raise, borrow, and appropriate money.
- to provide for an annual audit and a written report of that audit.
- to approve and adopt an annual budget.
- to adopt and maintain an Administrative Code and a Personnel System.
- to review and investigate all fiscal and management operations of the local government.
- to establish and prescribe functions of all administrative departments and agencies.
- to create, transfer, reorganize, adjust, abolish, or absorb the boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the consolidated governments.
- to appoint all members of boards and commissions.
- to employ an attorney for purposes which the commission deems necessary.
- appoint District Councils as the Commission deems necessary for special projects (three members, from the district).
- The Commission shall establish by ordinance a Chain of Command in the absence of the Chief Executive Officer.
- Review ordinances and administrative codes bi-annually.

Section 2. Restrictions on the Powers and Duties of the Commission.

- The Commission may impose no new form of taxation, including but not limited to sales taxes and income taxes, without approval by the people in referendum.
- Except for the purposes of inquiring or investigation under this Charter, the County Commissioners or its members shall deal with local government

employees who are subject to the direction and supervision of any elected official or the appointments of the Chief Executive, solely through the elected official or Chief Executive.

- c. Neither the Commission nor any of its members may dictate the appointment or removal of any employee whom the elected officials or Chief Executive or any of their subordinates are empowered to appoint.

Section 3. Composition, Terms, and Election.

- a. There shall be a Commission of Anaconda-Deer Lodge County composed of five (5) members at least two (2) of whom shall be elected every two (2) years.
- b. Members shall be elected for terms of four (4) years.
- c. Elections for the Commission shall be partisan/non-partisan.
- d. Commissioners shall be nominated in the primary election in each of five districts in which they reside and elected from their respective district.
- e. Districts shall be of as nearly equal population as possible and shall be reapportioned by the Commission within six (6) months after each official United States census.
- f. The office of Commissioner shall be part-time.

Section 4. Qualifications, Removal, and Vacancy.

- a. All qualified electors of Anaconda-Deer Lodge County are eligible for election to the Commission. He/She must also have resided in Anaconda-Deer Lodge County for one (1) year.
- b. No Commission member shall hold any other elective public office or be employed by Anaconda-Deer Lodge County.
- c. The office of Commissioner shall become vacant upon the member's:
1. death
 2. resignation
 3. loss of eligibility for election
 4. violation of any express prohibition of this Charter
 5. conviction of a felony by a court of competent jurisdiction
- d. i. If the option for **partisan elections** is adopted then the following paragraph shall apply.
In the event of a vacancy, the Commission shall within five (5) days call a district public caucus of the same political party as the person who vacated the office. The notice of caucus shall be published in the local newspapers as of time and place. The caucus must be held within twenty one (21) days of the vacancy. Any eligible person may submit their name for the office of Commissioner at the time of the caucus. All Registered Voters present at the public caucus will vote on the names submitted. The names of the two (2) persons receiving the highest number of votes cast at the caucus will be submitted to the remaining Commissioners. The Commissioners shall appoint one of the two (2) persons to the Commission. The person shall serve until the next regular County Commission election. The Commission must make the appointment within forty five (45) days.
- d. ii. If the option for **non-partisan elections** is adopted then the following paragraph shall apply.
In the event of a vacancy, the Com-

mission shall within five (5) days of the vacancy call a district public caucus. The notice of caucus shall be published in the local newspapers as of time and place. The caucus must be held within twenty one (21) days of the vacancy. Any eligible person may submit their name for the office of Commissioner at the time of the caucus. All registered voters present at the public caucus will vote on the names submitted. The names of the two (2) persons receiving the highest number of votes cast at the caucus will be submitted to the remaining Commissioners. The Commissioners shall appoint one of the two (2) persons to the Commission. The person shall serve until the next regular County Commission election. The Commission must make the appointment within forty five (45) days.

- e. Vacancy-Appointment of Elected Official.

e i. If the option for **partisan elections** is adopted, then the following paragraph shall apply.
The Commission shall appoint within forty five (45) days a qualified successor of the same political party as the member whose seat has become vacant. The appointee shall serve until the next general election.

e ii. If the option for **non-partisan elections** is adopted then the following paragraph shall apply.
The Commission shall appoint within forty five (45) days a qualified successor for the member whose seat has become vacant. The appointee shall serve until the next general election.

- f. The Commission shall be the judge of election and qualifications of its members and of the grounds for removal from office. A member charged with conduct constituting grounds for loss of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

Section 5. Compensation.

- a. The Commission shall set the annual salary of its members by ordinance. The ordinance shall be adopted at least six (6) months prior to the next Commission election and shall not become effective until the date for qualification set by state law, following the next Commission election.
- b. In addition to salary, Commission members shall receive actual and necessary expenses incurred in the performance of their duties of office, as approved by the Commission.

Section 6. Organization and Procedures.

- a. There shall be a chairman of the Commission elected by the Commission. The chairman shall be the official representative of Anaconda-Deer Lodge County and shall have those powers and duties delegated by the Commission.
- b. The Commission shall adopt by ordinance a set of written rules to govern its organization and procedures consistent with state law.
- c. The Commission shall provide for the keeping of a journal of its pro-

ceedings.

- d. All documents and records of the Commission shall be public records and shall be made available for examining and copying.
- e. A majority vote of the whole number the Commission will be required for official actions of the Commission. A minimum of four (4) Commission members must be present when official actions are taken by the Commission.

Section 7. Chairman of Commission.

- a. If Chief Executive Office becomes vacant the Chairman of the Commission shall serve as acting Chief Executive until the vacancy is filled.

Article IV Chief Executive

Section 1. Qualifications and Elections.

- a. Chief Executive shall be a qualified elector and resident of Anaconda-Deer Lodge County and has resided within the county for one (1) year.
- b. Shall be nominated and elected at large on a partisan basis by the qualified electors of Anaconda-Deer Lodge County.
- c. Shall be elected for a four (4) year term.

Section 2. Compensation.

- a. The salary of the Chief Executive shall be established by the Commission.
- b. In addition to salary, the Chief Executive shall receive actual and necessary expenses incurred in the performance of his/her duties of office as approved by the Commission.

Section 3. Vacancies, Forfeiture, and Removal.

- a. A vacancy in the office of Chief Executive shall exist upon death, resignation, or removal from office in any manner authorized by law or forfeiture of office.
- b. The Commission shall fill vacancy as prescribed in Article III, Section 4, Paragraph D.
- c. The Chief Executive Office shall be deemed vacant or forfeited for the same reason that the Commission seat shall be deemed vacant or forfeited as prescribed in Article III Section 4, number 3, a,b,c,d,e.

Section 4. Powers and Duties of Chief Executive.

- a. The Anaconda-Deer Lodge County Chief Executive shall be the Chief Administrative Officer of the local government and shall be responsible for all administrative functions of Anaconda-Deer Lodge unless otherwise provided by this Charter.

Section 5. The Chief Executive Shall:

- a. Enforce ordinances, laws and resolutions.
- b. Perform duties required by law, ordinances, resolutions and this Charter.
- c. Administer affairs of the local government.
- d. Carry out policies established by the Commission.
- e. Recommend measures to the Commission.
- f. Report to the Commission and the public on the affairs and financial conditions of local government.
- g. Execute bonds, notes, contracts and

written obligations of the government, subject to the approval of the Commission.

- h. Report to the Commission as the Commission may require.
- i. Attend meetings of the Commission and may take part in discussions.
- j. Execute the budget adopted by the Commission.
- k. Prepare and provide to the Commission and the Public an annual report setting forth the activities and accomplishments of the local government.
- l. Appoint with the advice consent of the Commission all non-elected department heads who shall serve at the pleasure of the Chief Executive. The Chief Executive shall have the power to hire and fire all other employees of the local government other than employees supervised by a public elected official.
- m. Prepare the budget in consultation with elected and appointed department heads and submit them to the Commission for adoption.
- n. Exercise control and supervision of all appointed departments of the local government.
- o. It shall be the responsibility of the Chief Executive to require the faithful execution of this Charter, ordinances, resolutions and laws by all elected officials.
- p. Be responsible for co-ordinating policies of the Commission with all elected and appointed department heads.
- q. May appoint one or more administrative assistants to assist him/her in the supervision of the local government, and such administrative assistants shall be answerable solely to the executive.

Section 6. Veto.

- a. Sign all ordinances and resolutions with no veto power.

**Article V
Executive Branch**

Section 1. Executive Branch includes the following elected officials:

- a. Sheriff - Coroner
- b. County Attorney
- c. Clerk and Recorder
- d. Treasurer
- e. Clerk of the District Court
- f. Justice of the Peace
- g. Superintendent of Schools (Part-time)
- h. Public Administrator

Section 2. Nominations and Elections.

- a. The procedures for the nomination and election of all elected officials shall be as prescribed by state law for partisan/non-partisan elections. These elections shall be held in conjunction with state elections.

Section 3. Qualification, Elections.

- a. A candidate for any of the elected offices shall be a resident for one year and a qualified elector of the country prior to filing a nominating petition and must maintain residency during the term.
- b. In addition to the foregoing qualification, the county attorney and superintendent of schools shall have the qualifications required by state law.

Section 4. Terms of Office.

- a. Terms for each of the elected offices shall be four (4) years.

Section 5. Vacancies, Forfeiture.

- a. A vacancy in any of said offices shall exist upon death, resignation, removal from office in any manner authorized by state law, or forfeiture of office.
- b. i. If the option for **partisan elections** is adopted the following paragraph shall apply. In the event a vacancy exists in any of said offices, the Commission shall appoint within forty five (45) days a qualified successor of the same political party as the person who vacated the office. Such appointee shall reside in the county and shall serve until the next general election.
- b. ii. If the option for **non-partisan elections** is adopted the following paragraph shall apply. In the event a vacancy exists in any of the said offices, the Commission shall appoint within forty five (45) days a qualified successor. Such appointee shall reside in the county and shall serve until the next general election.

Section 6. Removal.

- a. The Commission shall determine if the facts exist to warrant forfeiture of any of said offices.

Section 7. Appointment of Deputies.

- a. Each officer enumerated in Section 1 of this Article shall appoint his/her own deputies, who shall serve at the pleasure of the officer, subject to collective bargaining agreements.

Section 8. Powers and Duties of Elected Officers.

- a. The County Attorney shall be the Chief legal officer of the local government and he/she and the other officers enumerated in Section 1 of this Article shall have the powers and duties provided by this Charter, laws, ordinances or resolutions.

Section 9. Chief Law Enforcement Officer.

- a. The sheriff shall be the Chief law enforcement officer of the government and shall have the duties and powers provided by this Charter, laws, ordinances or resolutions.

Section 10. Compensation and Salaries of Elected and Appointed Officials.

- a. Commission shall set salaries of the Elected and Appointed Officials.

**Article VI
Administration**

Section 1. General

- a. The activities under the direction and supervision of the Chief Executive shall be distributed among such departments and agencies as are established by this Charter or may be established thereunder by ordinance of the Commission in order to execute and enforce policies as determined by the Commission and to carry out obligations imposed on Anaconda-Deer Lodge County by state law.

Section 2. Administrative Code.

- a. The Administrative Code shall provide the complete plan of organization and structure of Anaconda-Deer Lodge County.
- b. The Administrative Code shall include the following:
 - 1. The coordination of Chief Executive Departments, Elected Officials' Departments and Non-elected Departments. The nature and scope of each department and rules and procedures for non-elected departments.
- c. Comprehensive budget procedures for the government.
- d. Procedures regarding boards, commissions, advisors, studies and any other government activities.

Section 3. Personnel System.

- a. The Anaconda-Deer Lodge County Personnel System shall provide for hiring on the basis of merit shall include a salary schedule, provisions for vacations, sick leaves, insurance and other benefits for all employees in accordance with provisions of this Charter; procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action and shall provide for such other procedures as necessary for an equitable Personnel System including honoring of all collective bargaining agreements.
- b. Shall ensure equal access to government positions for all qualified persons.
- c. Require that all jobs be advertised in the local newspapers so all interested persons shall be aware of position openings.

Section 4. Rule, Ordinance and Resolution.

- a. Each Rule, Ordinance and Resolution of the Anaconda-Deer Lodge County government shall be recodified bi-annually.

**Article VII
County Attorney**

Section 1. Duties.

- a. The County Attorney shall be the prosecuting attorney and the legal counsel to Anaconda-Deer Lodge County and shall have those duties set by state law.

Section 2. Election, Qualifications, Removal, and Vacancy.

- a. The County Attorney shall be elected for a four (4) year term on a partisan ballot, shall have qualifications set by state law, and may be removed from office as provided by state law.
- b. In the event of a vacancy, the Commission shall appoint a qualified person to fill the vacancy until the next regular Anaconda-Deer Lodge County election at which time the remainder of the term shall be completed as required by law.
- c. The County Attorney shall continue in the office for the remainder of his unexpired term of office.

Section 3. Compensation.

- a. The County Attorney shall be compensated according to state law.

**Article VIII
Popular Control**

Section 1. Initiative, Referendum, and Recall.

- a. The people of Anaconda-Deer Lodge County may exercise initiative, referen-

dum and recall as provided by state law.

Section 2. Open Government.

- a. All meetings and records of Anaconda-Deer Lodge County shall be open to the public as provided by state law.

Section 3. Districts Councils

- a. There may be councils in each district composed of three (3) members who are appointed by their respective commissioners.
b. Commissioners may have meetings with the council once every two months.
c. Each meeting may have an agenda prepared by the commissioner.
d. Council members may be given specific duties.

Article IX Service Districts

Section 1. General Services District.

- a. All special improvement districts shall be taxed at a rate based on the level of service actually provided within such districts.
b. The Commission shall determine by ordinance the rates of taxation except that no differential tax for new services or increased levels of service can be imposed until provision has been made for delivery of the service.
c. Any ordinance establishing differential tax rates shall be subject to complete public hearing procedures as provided by law.

Section 2. Special or Local Improvement Districts.

- a. The Commission may create Special of Local Improvement Districts as provided by law.

Article X Miscellaneous Provisions

Section 1. Charter Amendment

- a. This Charter may be amended as provided by state law.

Section 2. Effective Date

- a. This Charter shall become effective upon passage and must be implemented by the first Monday in January 1987.

Section 3. Judicial.

- a. The office of Justice of the Peace shall be as provided by law.

Section 4. Separability

- a. If any section, sub-section, paragraph, sentence, clause, or phrase of this Charter, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions or other applications of this Charter.

Section 5. Repeal of 1976 Charter.

- a. The Charter adopted by the voters in 1976 is hereby repealed.

Article XI Transitional Provisions

Section 1. General Provisions.

- a. Each provision of this Transition Article (Article XI) shall be published as a part of this Charter until it has been implemented.
b. Transition to this Charter government shall be as prescribed by this Charter and state law. The Commission may

provide for such transition by ordinance, rule, or resolution not inconsistent with law.

Section 2. Continuity.

- a. Each rule, ordinance or resolution of the Anaconda-Deer Lodge County government shall remain in force within those former geographic jurisdiction until superseded by action of the Commission. The Commission shall revise, repeal, or reaffirm all such rules, ordinances and resolutions by November 1, 1988 and shall there after, bi-annually.
b. Anaconda-Deer Lodge County shall be vested with and shall hold, own and control all rights and property of every kind and nature including claims and franchises, owned or controlled by the Anaconda-Deer Lodge County government on the effective date of this Charter. It shall be subject to all debts, obligations, contracts and liabilities of the Anaconda-Deer Lodge County on the effective date of this Charter.
c. All general obligation bonded indebtedness of the Anaconda-Deer Lodge County government shall remain payable from the jurisdiction subject to indebtedness.
d. Revenue bond or special fund indebtedness not involving a general obligation of the Anaconda-Deer Lodge County government shall continue in effect and be payable according to the terms of such indebtedness.
e. All Anaconda-Deer Lodge County officials or employees, except the Chief Executive and Commissioners, may continue in the performance of their duties until their positions are terminated as provided in this charter.
f. Appointed department heads and foremen shall be chosen by the Chief Executive on the basis of merit including knowledge and experience in the Anaconda-Deer Lodge County government
g. All rights and benefits of Anaconda-Deer Lodge County employees shall be recognized by this Charter.

Section 3. Initial Procedures

- a. The Commission and Chief Executive shall meet the first Monday of January 1987, to elect its chairman, establish regular meeting dates, and set the agenda for the next meeting. [At this first meeting, the Commissioners shall draw lots to establish three (3) terms of office of four (4) years each and two (2) terms of office of two (2) years each.]
b. Commission shall set the Commission members salary.
c. Until modified in accordance with the provisions of this Charter, Commission districts shall be as follows:

Table with 4 columns: COMMISSIONER DISTRICT, ED No., COMMISSIONER DISTRICT, ED No. Rows include #1 (ED 12-15), #2 (ED 8-11), #3 (ED 4-7), #4 (ED 1-3), #5 (ED 17-19).

Section 4. Chief Executive, Commissioners, Administrative Code & Personnel System.

- a. No later than November 1, 1988, the Chief Executive, shall submit a codification of ordinances and resolutions to the Commission for review, amendment and adoption by ordinance.

Section 5. Service Districts.

- a. The Service Districts now established within Anaconda-Deer Lodge County shall remain in effect until they are changed as provided in this Charter.

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that this is the Proposed Plan of Government approved by the majority of the Study Commission of Anaconda-Deer Lodge County.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

Handwritten signatures: Val Buys Galle, Jane Anderson, Mike Finnegan. Local Government Study Commissioners (SEAL)

ATTEST: /s/Mary Chor CLERK & RECORDER OF ANACONDA-DEER LODGE COUNTY

CERTIFICATE ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR ANACONDA-DEER LODGE COUNTY

If retained by the voters, the government of Anaconda-Deer Lodge County, shall be organized under the general statutes authorizing the Charter including Commission-Manager form of government as provided by the following provisions of Section 7-3-701 through 7-3-709, M.C.A. 1985 and Section 7-3-301 through 7-3-318, M.C.A. 1985.

These sections establish the following form of government which shall be known as the Commission-Manager Charter form.

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that this is the existing plan of government for Anaconda-Deer Lodge County as established by Section 7-3-701 through 7-3-709, M.C.A. 1985 and Section 7-3-301 through 7-3-318, M.C.A. 1985.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

ATTEST: /s/Mary Chor Mary Chor - Clerk and Recorder Anaconda-Deer Lodge County

Handwritten signatures: Val Buys Galle, Jane Anderson, Mike Finnegan, Sheila Messer, Dean Beall.

**PRESENT FORM OF GOVERNMENT
ANACONDA-DEER LODGE COUNTY**

Since May 1977, Anaconda-Deer Lodge County has been governed by a unified, consolidated, Commission-Manager form of government.

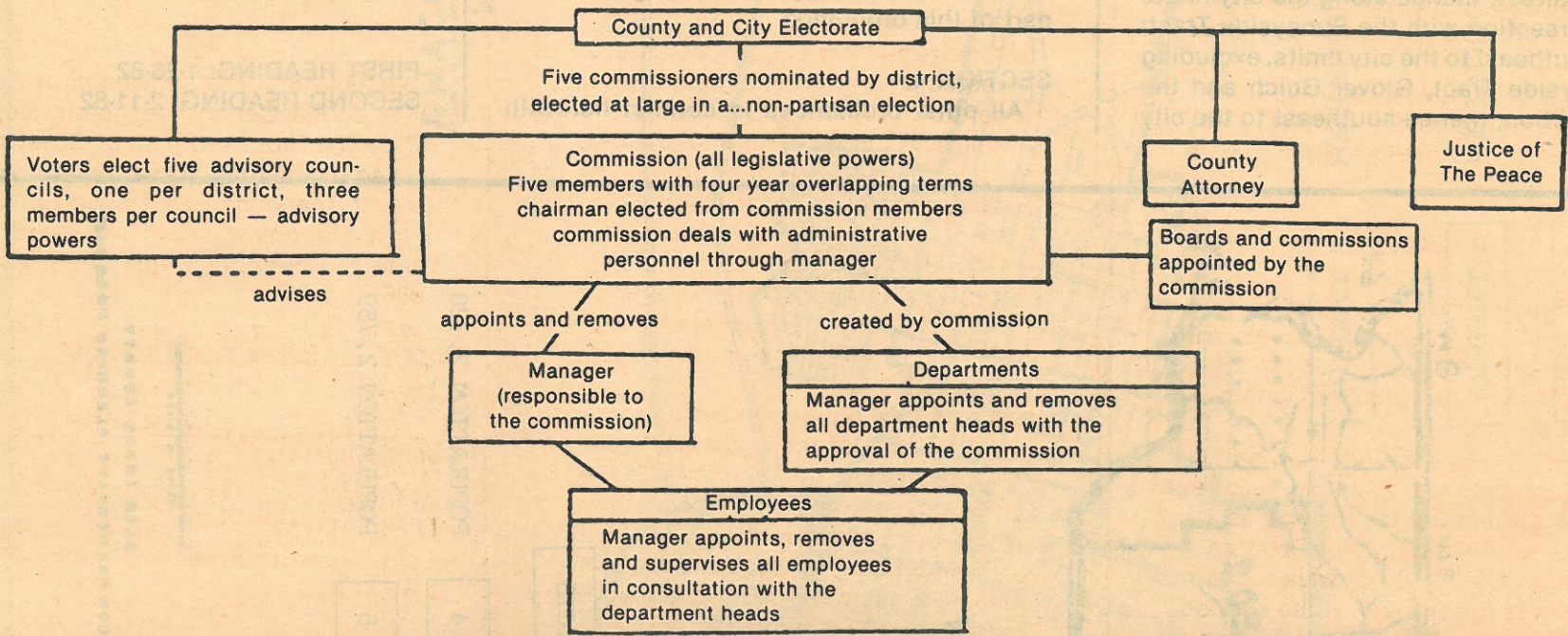
There are five Commissioners, nominated by District and elected County-wide. The Commissioners are the legislative and policy-making body.

The Manager is appointed by the Commissioners. He is appointed for an indefinite term on a basis of merit. Merit being education and experience. The Manager is the administrative officer of the County. Some of his responsibilities are to appoint and remove department heads, with approval of Commissioners; appoint, remove and supervise employees in consultation with department

heads, prepare and execute the budget, and many other matters and policies established by the Commissioners.

The Commissioners and Justice of the Peace are elected on non-partisan basis. The office of County Attorney is elected on a partisan basis. The Administration branch of the government is decidedly separate from the Legislative.

**ANACONDA-DEER LODGE COUNTY
PRESENT FORM OF GOVERNMENT**



**CERTIFICATE FOR THE APPORTIONMENT
OF THE COMMISSIONER DISTRICTS**

ORDINANCE NO. 59

**ORDINANCE ESTABLISHING BOUNDARIES
FOR COMMISSIONER DISTRICTS OF
ANACONDA-DEER LODGE COUNTY AND
REAPPORTIONING OF THE FIVE COMMISSION DISTRICTS**

BE IT ORDAINED, by the Commission of Anaconda-Deer Lodge County as follows, to-wit:

SECTION 1.

That the boundaries of the five Commissioner Districts of Anaconda-Deer Lodge County are hereby established as follows:

DISTRICT NO. 1

Beginning at the intersection of U.S. Highway 10A, and Hemlock Street, thence southwest along the city limits of the City of Anaconda; thence southeast along the said city limits to the Sunny Side Tract; thence southeast along the Sunny Side Tract which includes Glover Gulch and Fuller Addition to the city limits; thence east along the city limits to the intersection between Mt. Carmel Cemetery and Anaconda Hill Cemetery which includes Sheep Gulch, thence north to the intersection of Eighth Street and Maple Street; thence west to the intersection of Seventh and Pine Streets; thence north on Pine Street to the intersection of Commercial Street; thence west to the City limits; thence north to the Fish Hatchery Road; thence northeast along the Fish Hatchery Road to the Washoe Park Road; thence west along the Washoe Park Road including the Washoe Park housing and Deer Park housing to the bridge across Warm Springs Creek on Cable Road; thence south along Cable Road to U.S. Highway 10A; thence west along said highway to the point of beginning.

DISTRICT NO. 2

Beginning at a point of the intersection of Commercial Street and Pine Street; thence south

along Pine Street to Seventh Street; thence east to the intersection of Eighth and Maple Streets; thence south to a point between the Mount Carmel Cemetery and Anaconda Hill Cemetery to the city limits; thence east along the said city limits to the intersection of Ninth Street and Cedar Street; thence north along Cedar Street to the intersection of Cedar Street and Front Street; thence east along Front Street to Alder Street; thence north to the city limits including Cedar Park Homes, thence northwest in a line behind Unti Trailer Park to the intersection of the Washoe Park Road and the Fish Hatchery Road; thence southwest along the Fish Hatchery Road to the intersection of the city limits with the said road; thence south along the said city limits to Commercial Street; thence east along Commercial Street to Pine Street, the point of beginning.

DISTRICT NO. 3

Beginning at the intersection of Front Street and Cedar Street; thence south along Cedar Street to the intersection of Ninth Street and the city limits; thence east to Chestnut Street; thence south along the city limits; thence east along the city limits; thence north along the city limits; thence north and east along the city limits; thence north along the city limits; thence west along the city limits, including the National Guard Armory and Teresa Ann Terrace Addition to the intersection of Front and Cedar Streets, the point of beginning.

DISTRICT NO. 4

Beginning at the intersection of Washington Street and the city limits; thence south to the Mill Creek Highway; thence south along the Mill Creek Highway to the intersection of the Arcola Ranger Station Road and Deep Creek; thence north along Deep Creek to Sullivan Creek; thence north to the Continental Divide; thence west along the Continental Divide to the Anaconda-Deer Lodge County

and Granite County boundary line; thence southwest and south along the said boundary line to the Anaconda-Deer Lodge County — Granite County — Ravalli County boundary line; thence along the Anaconda-Deer Lodge County — Ravalli County — Beaverhead County boundary line; thence along the Anaconda-Deer Lodge County — Beaverhead County boundary line to the Anaconda-Deer Lodge County — Beaverhead County — Silver Bow County line; thence along the Anaconda-Deer Lodge County — Silver Bow County boundary line to the Anaconda-Deer Lodge County — Silver Bow County — Powell County boundary line; thence along the Anaconda-Deer Lodge County — Powell County boundary line to the intersection of the Anaconda-Deer Lodge County — Granite County boundary line with the South Mountain Ridge of Lost Creek; thence along the said mountain ridge to the Anaconda-Warm Springs State Highway; thence south along the Anaconda-Warm Springs State Highway to U.S. Highway 10A; thence west on the said U.S. Highway 10A to the city limits of Anaconda; thence southwest along the said city limits to Washington Street, the point of beginning.

DISTRICT NO. 5

Beginning at the intersection of Washington Street and the city limits; thence south to the Mill Creek Highway; thence south along the said Mill Creek Highway to the intersection of Arcola Ranger Station Road and Deep Creek; thence north along Deep Creek to Sullivan Creek; thence north from Sullivan Creek to the Continental Divide; thence west along the Continental Divide to the Anaconda-Deer Lodge County — Granite County boundary line; thence northeast along the Anaconda-Deer Lodge County — Granite County boundary line to the intersection with the South Mountain Ridge of Lost Creek; thence south along the South Mountain Ridge to the Anaconda-Warm Springs State Highway; thence south along the Anaconda-Warm Springs State Highway to

U.S. Highway 10A; thence west on the said U.S. Highway 10A to the city limits; thence northwest along the city limits to the intersection of Front and Alder Streets; thence northwest along the District No. 2 boundary line to the intersection of the boundary lines of Districts No. 1 and 2; thence northwest along District No. 1 boundary line to the intersection of Warm Springs Creek and Cable Road; thence southwest along the District No. 1 boundary line to U.S. Highway 10A and Hemlock Street; thence along the city limits to its intersection with the Sunnyside Tract; thence southeast to the city limits, excluding the Sunnyside Tract, Glover Gulch and the Fuller Addition; thence southeast to the city

limits, excluding Sheep Gulch; thence east along the said city limits boundary to its intersection with Washington Street, the point of beginning.

SECTION 2.

All of the aforesaid boundaries shall lie in the center of the highways, streets, creeks, and mountain ridges.

SECTION 3.

That the maps attached hereto are made a part of this ordinance.

SECTION 4.

All other ordinances in conflict herewith

are hereby repealed.

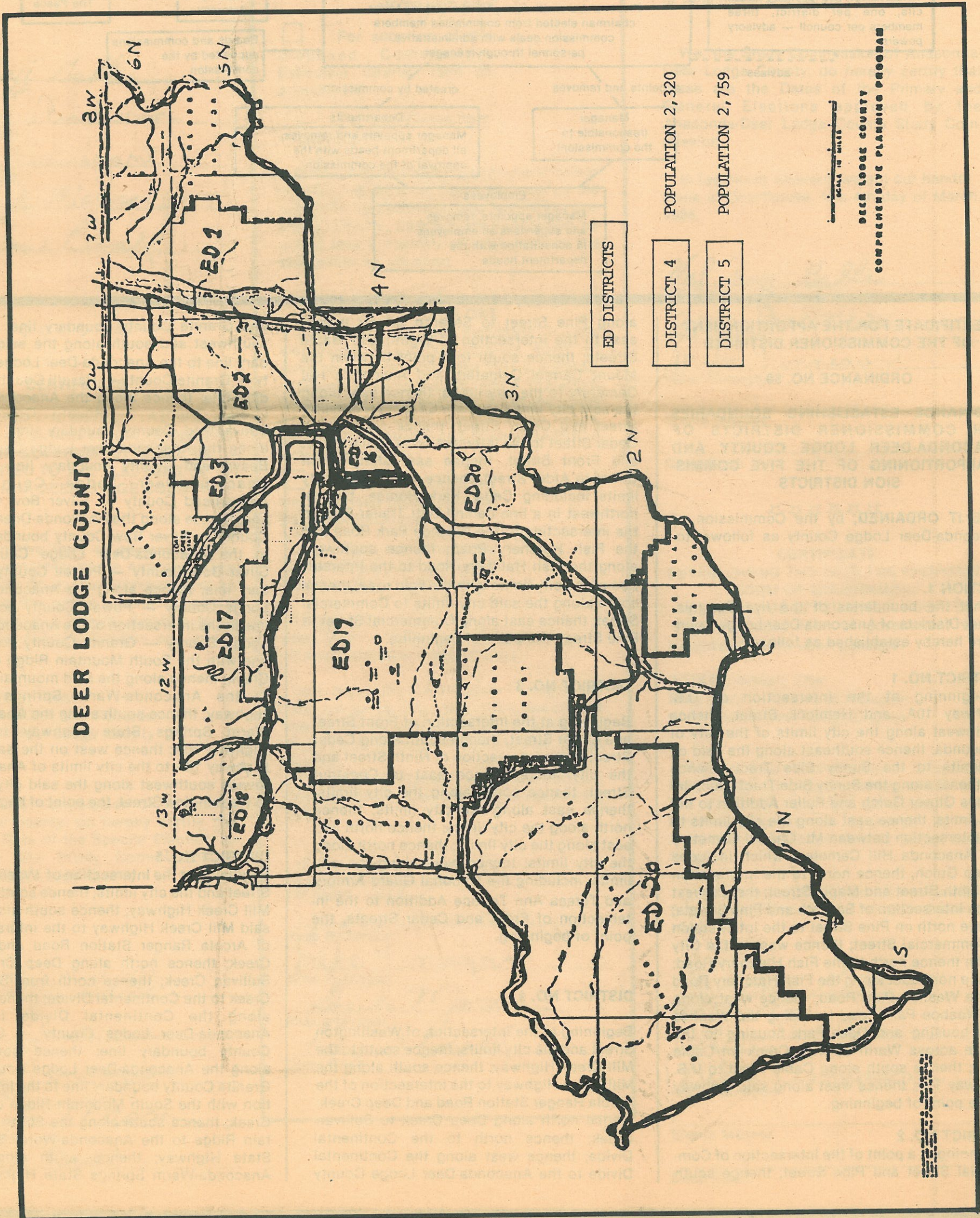
DATED this 23rd day of January, 1982.

/s/ Joseph Kuffne
Chairman

ATTEST:

Carol L. Gilluly
Carol L. Gilluly
Clerk

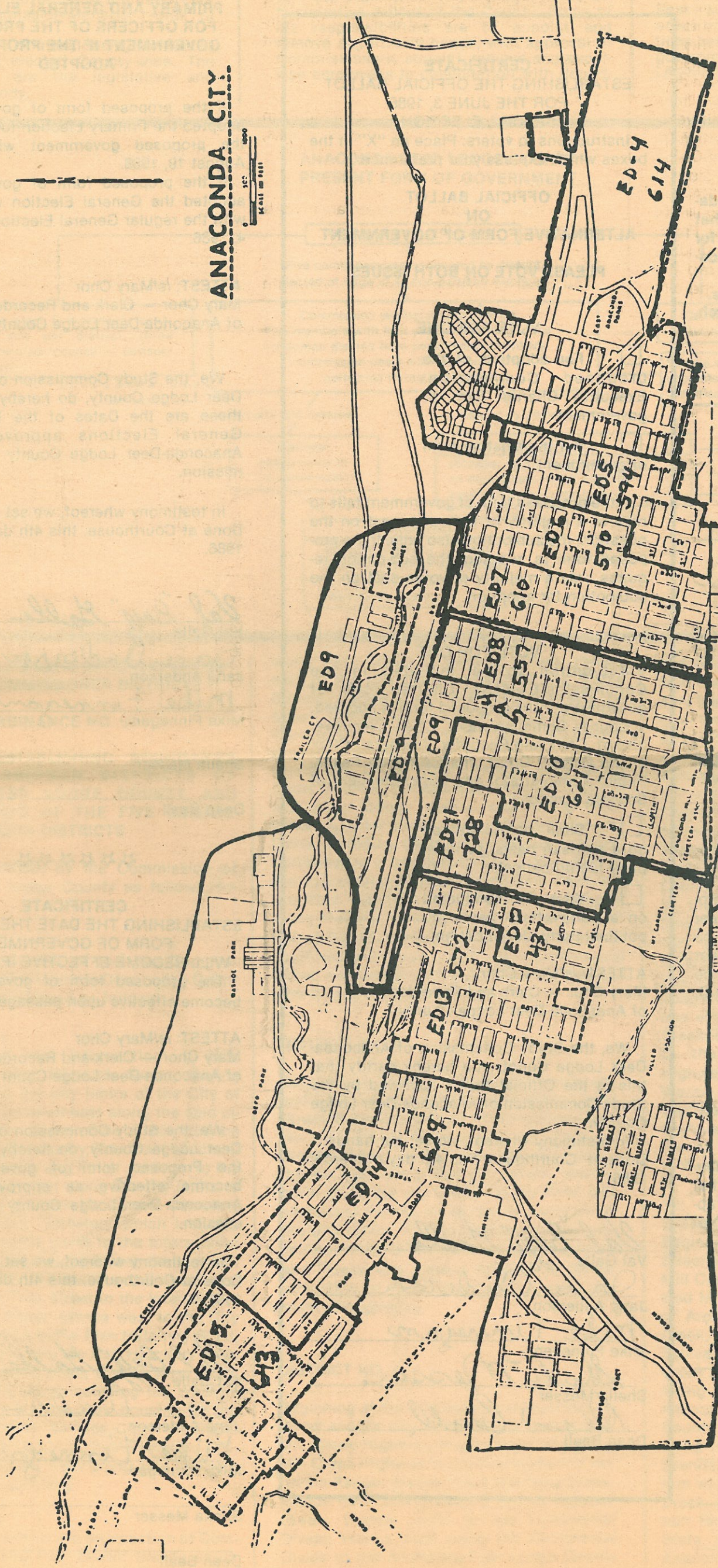
FIRST READING: 1-28-82
SECOND READING: 2-11-82





ANACONDA CITY

SCALE 1" = 1/2 MILE



DISTRICT 1
POPULATION 2,531

DISTRICT 2
POPULATION 2,500

DISTRICT 3
POPULATION 2,408

CERTIFICATE FOR THE APPORTIONMENT OF THE COMMISSIONER DISTRICTS

ATTEST: /s/Mary Chor Mary Chor — Clerk and Recorder of Anaconda-Deer Lodge County

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that this is the Official Apportionment Plan for the Commissioner Districts of Anaconda-Deer Lodge County.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

Signatures of Val Galle, Jane Anderson, Mike Finnegan, Sheila Messer, and Dean Beall.

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF ANACONDA-DEER LODGE COUNTY

The alternative form of government proposed by the majority of the Anaconda-Deer Lodge County Study Commission shall be submitted to the voters of Anaconda-Deer Lodge County at a Special Election to be held with the Primary Election on June 3, 1986.

ATTEST: /s/Mary Chor Mary Chor — Clerk and Recorder of Anaconda-Deer Lodge County

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that this is the Date of the Special Election approved by the Study Commission of Anaconda-Deer Lodge County.

Signatures of Val Galle, Jane Anderson, Mike Finnegan, Sheila Messer, and Dean Beall.

CERTIFICATE ESTABLISHING THE OFFICIAL BALLOT FOR THE JUNE 3, 1986 SPECIAL ELECTION

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

OFFICIAL BALLOT ON ALTERNATIVE FORM OF GOVERNMENT

PLEASE VOTE ON BOTH ISSUES

1. VOTE FOR ONE

- For adoption of the proposed Commission-Executive Charter form of government.
For the existing form of government.

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

2. VOTE FOR ONE

Sub-option to be included in the Commission-Executive Charter form of government if the proposed form is adopted. County Commissioners, Chief Executive, Sheriff, Clerk and Recorder, Treasurer, Clerk of the District Court, Justice of the Peace, Public Administrator and Superintendent of Schools elections:

- Shall be conducted on a partisan basis (political party identification).
Shall be conducted on a non-partisan basis (no political party identification).

ATTEST: /s/Mary Chor Mary Chor — Clerk and Recorder of Anaconda-Deer Lodge County

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that this is the Official Ballot approved by the Study Commission of Anaconda-Deer Lodge County.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

Signatures of Val Galle, Jane Anderson, Mike Finnegan, Sheila Messer, and Dean Beall.

CERTIFICATE ESTABLISHING THE DATES OF THE FIRST PRIMARY AND GENERAL ELECTIONS FOR OFFICERS OF THE PROPOSED GOVERNMENT IF THE PROPOSAL IS ADOPTED

If the proposed form of government is adopted the Primary Election for Officers of the proposed government will be held August 19, 1986.

If the proposed form of government is adopted the General Election will be held with the regular General Election November 4, 1986.

ATTEST: /s/Mary Chor Mary Chor — Clerk and Recorder of Anaconda-Deer Lodge County

We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that these are the Dates of the Primary and General Elections approved by the Anaconda-Deer Lodge County Study Commission.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

Signatures of Val Galle, Jane Anderson, and Mike Finnegan.

Sheila Messer

Dean Beall

CERTIFICATE ESTABLISHING THE DATE THE PROPOSED FORM OF GOVERNMENT WILL BECOME EFFECTIVE IF ADOPTED

The proposed form of government will become effective upon passage.

ATTEST: /s/Mary Chor Mary Chor — Clerk and Recorder of Anaconda-Deer Lodge County

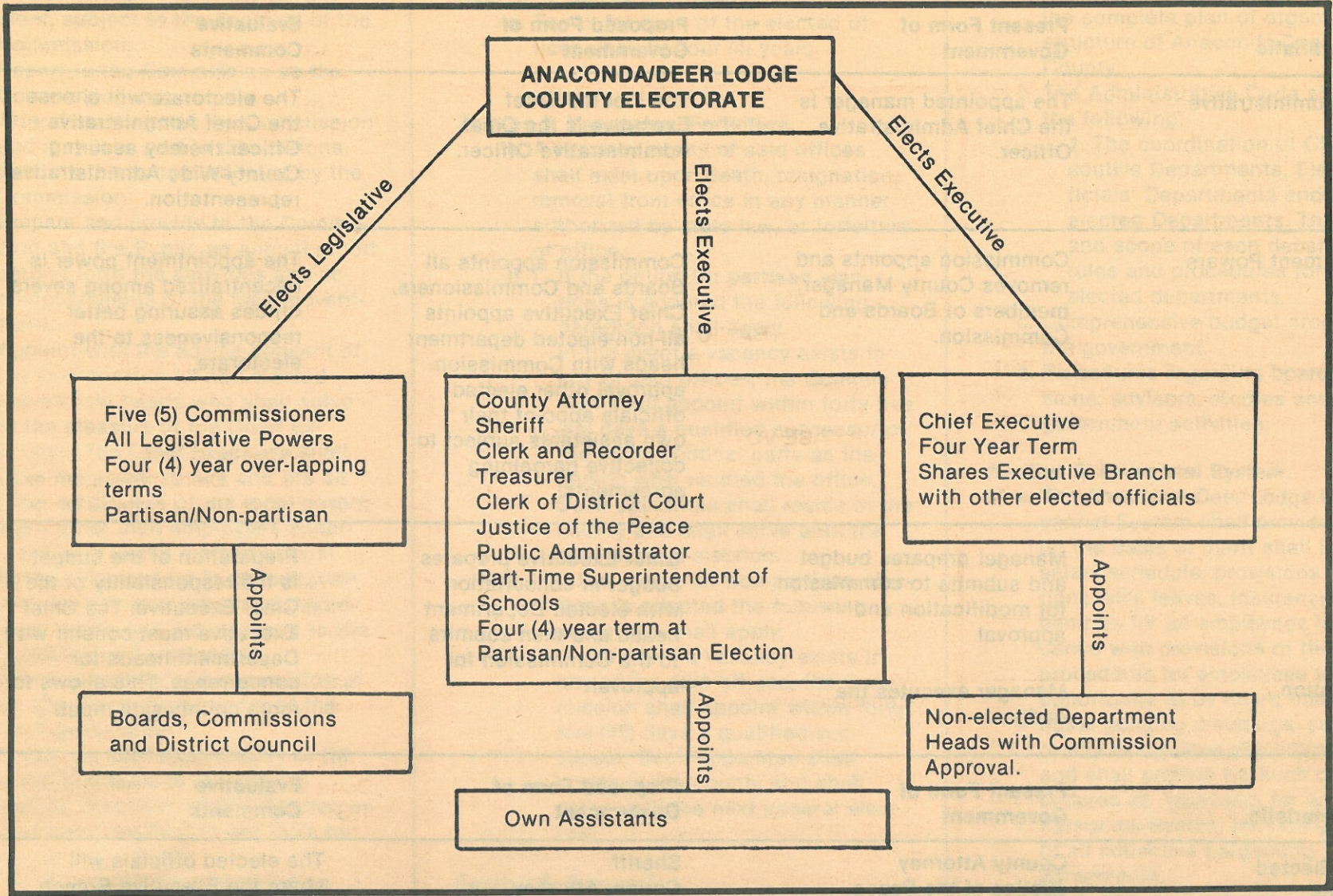
We, the Study Commission of Anaconda-Deer Lodge County, do hereby certify that the Proposed form of government will become effective as approved by the Anaconda-Deer Lodge County Study Commission.

In testimony whereof, we set our hands. Done at Courthouse, this 4th day of March, 1986.

Signatures of Val Galle, Jane Anderson, and Mike Finnegan.

Sheila Messer

Dean Beall



Characteristic	Present Form of Government	Proposed Form of Government	Evaluative Comments
Form of Government	Charter Commission-Manager	Charter Commission-Chief Executive	The proposed form of Government with the elected Commission will add an elected Chief Executive. This will allow the electorate of Anaconda-Deer Lodge County to have control over both the Legislative and Administrative powers of the government.
Powers	Self-Government Powers - Legislative body may exercise any powers not prohibited by State law.	Self-Government Powers - Legislative body may exercise any powers not prohibited by State Law.	Self-Government Powers, not limited by State Law allows local problems to be met at local levels.
Characteristic	Present Form of Government	Proposed Form of Government	Evaluative Comments
Governing Body	Five (5) Elected Part-time Commissioners nominated from and residing in each of five (5) districts and elected at large for overlapping terms of four (4) years. The Commission elects its chairman.	Five (5) Elected Part-time Commissioners. One (1) Elected Executive.	
Size		Five Commissioners . . . nominated and elected by district in a partisan/non-partisan election for overlapping terms of four (4) years.	All areas of the County are assured equal representation since the Commission is both nominated and elected by their districts.
Presiding Officer	Commission is Legislative and policy making body.	Commission elects its chairman.	The Elected Chief Executive would be the representative of the county, elected at-large.
Duties	Manager, hired by Commission is the Administrator of the policy set by the Commission.	Commission exercises all legislative powers and determines policy. Chief Executive nominated and elected at-large in a partisan/non-partisan election for a term of four (4) years. The Administration of the government is the responsibility of the elected Chief Executive.	The proposed form maintains a distinct separation of Legislative and Administrative functions. The elected Chief Executive will act as the head of Government.

Characteristic	Present Form of Government	Proposed Form of Government	Evaluative Comments
Chief Administrative Officer.	The appointed manager is the Chief Administrative Officer.	The Elected Chief Executive is the Chief Administrative Officer.	The electorate will choose the Chief Administrative Officer thereby assuring County-Wide Administrative representation.
Appointment Powers	Commission appoints and removes County Manager, members of Boards and Commission.	Commission appoints all Boards and Commissioners. Chief Executive appoints all-non-elected department heads with Commission approval other elected officials appoint their own assistants subject to collective bargaining agreements.	The appointment power is decentralized among several offices assuring better responsiveness to the electorate.
Budget Preparation	Manager prepares budget and submits to commission for modification and approval Manager executes the budget.	Chief Executive prepares budget in consultation with elected Department heads and then submits to the Commission for approval.	Preparation of the budget is the responsibility of the Chief Executive. The Chief Executive must consult with the Department heads for concurrence. This allows for more county-side input.

Characteristic	Present Form of Government	Proposed Form of Government	Evaluative Comments
Other Elected Officials	County Attorney Justice of the Peace Fifteen (15) Members of Advisory Council.	Sheriff County Attorney Clerk and Recorder Treasurer Clerk of the District Court Justice of the Peace Part-time Superintendent of Schools Public Administrator	The elected officials will share the Executive Branch of the Government with the Chief Executive. The electorate of Anaconda-Deer Lodge County will once again have the opportunity to enjoy a freedom of choice in selection of Elected Officials. Because the Survey conducted by the Study Commission showed that 65% of the people contacted wanted an elected manager and sheriff it is assumed the electorate wishes to reclaim their right to vote for elected officials.

Characteristic	Present Form of Government	Proposed Form of Government	Evaluative Comments
Service Delivery Structure	The Commission organized services into Department which are under the direct supervision of the appointed manager.	Will be performed by The Chief Executive and other Elected Officers.	The proposed form will continue to maintain one law enforcement officer (elected), one road department, joint fire districts and will add one elected administrator.
Citizen Participation	Elected Advisory Councils to provide communication between people and commission.	District Councils may be appointed at the Commissions discretion. Each Commissioner may appoint a three (3) member council from the Commissioners respective District.	The District Councils will serve at the pleasure of the Commission. The council could provide for more citizen participation at the grass-root level.



Anaconda/Deer Lodge County

ANACONDA-DEER LODGE COUNTY STUDY COMMISSION MINORITY REPORT

The recognition by our electorate that the present government is performing well, coupled with the testimony before the Study Commission which overwhelmingly supported the present government, confirmed our own conclusion that retention of the Commission-Manager form of government is essential. Changing the government will not cure the economic condition of our city and county; indeed, it will most assuredly result in a government which will cost more and which will need more tax dollars from the people. Therefore, we are issuing this Minority Report.

The voter survey conducted by the Study Commission revealed that "more than 80% of the respondents feel that the present government is doing an 'adequate' or 'good job', and, further, that about 62% feel the consolidated government is performing as well or better than before consolidation." The summary of the survey also indicated that a "remarkably high percentage" of our population sample seemed to be "fairly well informed" and that "nearly half of the respondents support the retention of the present form of government."

Though the survey also revealed that most people prefer elected officials to appointed officials, there is no research to indicate that elected officials perform better than appointed. On the contrary, the performance of the appointed officials during the past nine years indicates that the opposite is true, and there is a nationwide trend toward the professional manager form of government. A comparison of the audit report for 1976-77 with the present audit report shows that there are far fewer areas that need correction today than was true before the adoption of the charter. All of the county employees, except one, testified before the Study Commission that the government operates more smoothly now than before the charter adoption. The record of the past nine years proves that local governments operate efficiently and effectively with appointed officials. State law requires that elected officials be "electors". In other words, anyone who is eligible to vote can become an elected official with the exception of the County Attorney, who must be an attorney, and the Superintendent of Schools, who must be a qualified teacher. Qualifications can be set, however, for appointed officials for administrative functions.

The need for elected officials is at the policy-making level. The Board of County Commissioners is an elected body who sets policy and determines the direction of the entire government.

Before the adoption of the charter, both our city and county administrations were as good as, or possibly better than, their counterparts throughout the State. Nevertheless, when the present government was established in May 1977, the people of Anaconda-Deer Lodge County paid the second highest tax levy in the State. Millions of Federal Revenue Sharing dollars were pro-

viding additional income, and Federal grants were available for virtually any valid purpose. Our economy was good because the Anaconda Company and the BA&P Railroad were employing large numbers of our people and paying a great proportion of our taxes (about half). Yet, both the city and county governments had gone into debt for a combined total of \$1,200,000.

The first priority of the charter government was to pay off the debt and use the money which had previously gone to pay interest to deliver services. This was accomplished within three years. But, income kept falling as the taxable valuation decreased (for every \$1.00 of the tax income raised in 1976-77, we now raise just 43 cents — a drop in income of 57 cents per 1976-77 dollar). At the same time inflation was increasing the cost of all the materials the county needed to operate in the same manner as it increased costs for the individual. Simultaneously, Federal Revenue Sharing and grant monies were drying up.

The first priority, therefore, of the present government has become to reduce expenses through cutting the budget. This has been done to a remarkable degree, and all services to the public have been maintained. The number of county employees, for example, has been cut from 147 fulltime in 1976 to 91 in 1984, and down again in 1985 to 86 employees. If the county were to spend today at the same level it did nine years ago, we would have to raise an additional \$1.7 million (inflation corrected).

When disaster struck with the closing of the smelter and the curtailing of the BA&P Railroad, the county lost its largest taxpayer, and the tax burden which had for so long been on the industrial segment of our county, fell upon the remaining taxpayers. Homeowners (city and suburban property owners) now pay almost half of the total taxes (40%) and the largest individual taxpayers are now the Montana Power Company and Mountain Bell with all utilities paying 27%. In recent years tax protests cost the county large amounts in lost revenue; for example, machinery at Cleveland Wrecking and at the Arbiter Plant was scheduled to pay 24% of the taxes in 1984, but both entities filed protests, and Deer Lodge County lost both cases.

Our greatest single imperative is to control expenses, for we have no large industrial base with whom to share taxes nor to increase taxable valuation. The present government has a proven successful method of dealing with the budget. An appointed manager requests the budget needs from all departments and puts together a budget to be submitted to the Board of County Commissioners. Together they have a complete overview of the entire county operation and can streamline and adjust the budget so that all services required by the people are maintained at a price within our ability to pay. The Commissioners have a capable, experienc-

ed, professional Manager who holds an appointed position. The Manager understands the budget and can explain and defend it to critics, and the Commissioners are in a position to carry out what they feel must be done.

Almost certainly the number of county employees will increase if each official to be elected can appoint one deputy to serve with that official. This will, of course, cause conflicts with the collective bargaining agreements in place. An elected executive may also wish to hire one or more administrative aides to perform similar functions to those of the county manager but only within a limited scope because they have no authority to invade the separate spheres of other elected officials. In other words, we would be electing one and appointing one to do less than the Manager does now.

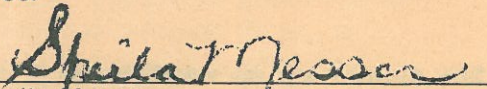
If the Commission-Manager form of government is not retained, gone will be the overall view of county operations, for the county will be segmented into separate entities. Gone will be the smoother operations the employees talked about. Gone will be the reduction in the number of county employees. Gone will be the efficient record of our employees for once again they will be called upon to teach the newly elected boss how to do the job. Gone will be the ability of the Board of County Commissioners to trim the budget to live within the constraints of county income, because elected officials will have departmental rights, and they will now have another elected official to prepare the budget and political heat will again be felt.

The present Commissioner-Manager form of government has done an outstanding job during the past nine years. It has a proven record of efficient delivery of services at a lower cost than is possible under any other form of government.

As Judge Boyd so aptly quoted, "If it ain't broke, don't fix it!" For the best possible government at the lowest possible cost, we urge retention of the present Commission-Manager form of government.

We, local Government Study Commissioners of Anaconda-Deer Lodge County, do hereby certify that this is a Minority Report approved by the following members of the Study Commission of Anaconda-Deer Lodge County.

In testimony whereof, we set our hands,
Done at Courthouse, this 4th day of March,
1986.


Sheila Messer


Dean Beall

SEAL

ATTEST: Mary Chor
Mary Chor,
Clerk and Recorder of
Anaconda-Deer Lodge County