

Carbon County Study Commission

P.O. Box 1128
Red Lodge, Montana 59068

July 30, 1996

Judy Mathre
Local Government Center
Montana State University
Bozeman, MT 59717

Dear Judy:

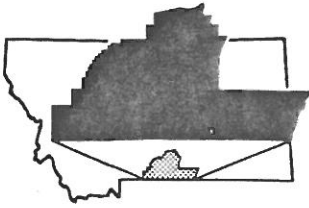
Attached you will find a copy of the Carbon County Study Commission Final Report, 1996 to be filed in your office.

Thanks to you and the others at the Local Government Center for the help during the last year!

Sincerely,

Margaret Karas
Study Commission Assistant

/mk



Carbon County Study Commission

P.O. Box 1128
Red Lodge, Montana 59068

FINAL REPORT

Adopted July 15, 1996

FINAL REPORT

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- Exhibit A: Certificate of existing form of government
- Exhibit B: Certificate of proposed form of government
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- Exhibit D: Certificate establishing form of the ballot

I. LETTER TO CITIZENS OF CARBON COUNTY

To the Citizens of Carbon County:

The Carbon County Study Commission elected by the voters on November 8, 1994 or thereafter appointed, present this final report to the citizens of Carbon County.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the state." 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 the conduct of its review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. A random sampling of 10% of the registered voters in Carbon County were polled by telephone. Public hearings were held to determine citizen opinion.

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 amendment to the existing 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 Carbon County can achieve these goals by adopting the nonpartisan local government election sub-option to be included in the existing form of local government.

The Study Commission does recommend an amendment to the present form of government to call for "nonpartisan" election of all county officials instead of "partisan" election. The Study Commission hereby authorizes a special election to be held at the general election November 5, 1996, on the issue.

In addition, the Study Commission intends to prepare a "Supplementary Report" within the next year that will make three recommendations to the Carbon County Commissioners:


1. That the County commissioners establish a limited-life committee to recommend changes, if needed to achieve the most economical operation of the County Superintendent of Schools office.
2. That the County Commissioners actively pursue utilizing more electronic data storage of official records in the County Courthouse and Annex, making storage space available to alleviate overcrowding.
3. That the County Commissioners hurry along on equalizing the population in each Commission district to correct a burgeoning imbalance.

The question of adopting this amended form of government will be placed on the ballot November 5, 1996. We solicit your support for its adoption.


Respectfully submitted,



Gary Lay



Wallace J. Olds



Daniel Gainer
Local Government Study Commissioners

**II. COMPARISON OF EXISTING FORM OF GOVERNMENT
AND PROPOSED AMENDMENT TO
THE EXISTING FORM OF GOVERNMENT**

PRESENT FORM OF GOVERNMENT PROPOSED FORM OF GOVERNMENT

ELECTIONS:

Partisan

Nonpartisan

(No other changes proposed)

The following chart compares the characteristic of the existing form of county government with the proposed amendment to the existing form of government. Under the last column entitled "comments" the study commission has included short summaries of why they are proposing a change in this area.

COMPARISON OF SPECIFIC CHARACTERISTICS

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Election	Partisan	Nonpartisan	<p>Party politics does not play a major role at the local level.</p> <p>Voters more inclined to concentrate on the candidates' qualifications and the issues, rather than party affiliation.</p> <p>In many cases primary elections will be unnecessary and thus less costly.</p>

III. DISCUSSION OF RECOMMENDED CHANGE

Summary of change: Candidates for county political office would no longer be designated by political party on the ballot. (Authorized in 7-4-413 MCA.)

If approved by voters at the next general election, November 5, 1996, a change to nonpartisan elections for commissioners would take effect upon adoption of the recommendation. A change to nonpartisan elections for other elected county officials would take effect at the beginning of the local government's fiscal year. Terms of office, filing fees and filing deadlines would be unchanged.

ARGUMENTS FOR:

1. Party politics should be set aside at this local government level; voters will be more inclined to concentrate on the candidates' qualifications and the issues, rather than party affiliation.
2. In many cases primary elections will be unnecessary and thus less costly. (Nonpartisan ballots generally call for a primary only if there are more than two candidates for an office.)

ARGUMENTS AGAINST:

1. The party system of government is the overwhelmingly accepted method of election in Montana and the United States and always has been.
2. It is not easy to know a candidates' political philosophy; a party designation gives at least a hint of the candidates' bent.

APPENDIX
CERTIFICATE
ESTABLISHING THE EXISTING FORM OF GOVERNMENT
FOR
CARBON COUNTY

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

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

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (p) 7-3-438(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (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.

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.

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

7-3-412 (4). Selection of commission members. The commission shall be elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

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 is 4 years, except the term of office for commissioners which is 6 years.

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

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

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

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

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

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

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

In testimony whereof, we set our hands.

Done at Red Lodge this 15 day of July 96

ATTEST:




Roger D. Newman
Clerk & Recorder of Carbon County



Gary Lay



Wallace Olds



Dan Gainer
Local Government Study Commissioners

CERTIFICATE
ESTABLISHING THE PROPOSED AMENDMENT
TO THE EXISTING FORM OF GOVERNMENT
FOR
CARBON COUNTY

Upon approval of the majority of voters, the government of Carbon County shall be organized under the following provisions of Section 7-3-111 MCA.

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;
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- (p) 7-3-438(1);
- (r) 7-3-440(1);
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(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.

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

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

CERTIFICATE
ESTABLISHING THE
DATE OF THE SPECIAL ELECTION
AT WHICH THE AMENDED FORM OF GOVERNMENT
SHALL BE PRESENTED TO
THE ELECTORS OF CARBON COUNTY:

The amended form of government proposed by the Local Government Study Commission shall be submitted to the voters of Carbon County at a special election to be held with the general election November 5, 1996.

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


In testimony whereof, we set our hands.

Done at Red Lodge, Montana this 15 day of ~~December, 1995.~~ July, 1996. *new*

ATTEST:




Gary Lay



Roger D. Newman
Clerk & Recorder of Carbon County



Wallace Olds



Dan Gainer
Local Government Study Commissioners

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 5, 1996 SPECIAL ELECTION

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

OFFICIAL BALLOT

BALLOT ON THE AMENDED FORM OF LOCAL GOVERNMENT

Because there is no change in the form of government, the proposed sub-option to the present form of government requires only a plurality of votes cast on the sub-option for adoption.

1.

Vote for one

- FOR the amendment to the existing form of government (with non partisan elections)
- FOR the existing form of government (with partisan elections)

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

In testimony whereof, we set our hands.

ATTEST: Roger D. Newman
Roger D. Newman
Clerk & Recorder of Carbon County

Gary L. Lay
Gary Lay

Wallace Olds
Wallace Olds

Dan Gainer
Dan Gainer
Local Government Study Commissioners