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Charter allows self-rule

The Libby City Government Study Commission explained its recommendation of a new form of local government to a mostly empty room last week, at the first of two public hearings it is conducting to get public response to its proposal.

The audience at the May 12 meeting consisted of two people, besides a newspaper reporter.

The charter form of government the commission is recommending might be better described as home rule, or self-government power, Dan Larson of the study commission said.

Local governments operating under the Dillon rule, as Libby does now, have only the powers specifically granted them by the state and federal constitution and legislature, Larson explained.

According to the Dillon rule, which was begun in Iowa in 1868 and describes the majority of relationships between state and local governments in the United States, he said, the city government has no inherent powers, and the legislature is fundamentally the boss.

Under home rule or self-government powers, he said, the city writes its own charter and may give itself any powers not specifically denied it by the constitution or legislature.

Home rule was first allowed in Montana in 1974. Of 180 municipalities in the state, Larson said, 22 now have charters.

The Dillon rule causes problems, he said, because municipalities must go to the legislature to get permission to do things.

An exception made for one municipality to deal with an issue for that particular community must apply across the board, he added.

The other recommendation

from the commission in its tentative report is that the city hire a full-time city manager.

That city administrator would be answerable to the city council and mayor, Larson said, and those elected officials would in turn still be answerable to the public.

The commission has looked particularly at the Whitefish city government, which adopted a charter and hired a city manager after the first round of study commissions in 1974.

The Whitefish charter retained the city council-mayor form of government, though it made those positions unpaid and later dropped the system of wards, and the city manager is hired by and responsible to the city council and mayor.

In recommending a change in the city government, Larson stressed, the commission is not finding fault with the people who have served in the past. The current council and mayor have done "a hell of a good job," he said.

Home rule would allow the city more flexibility, however, he said.

A full-time city manager would mean that a trained, professional manager would be "right there all the time" to take

care of whatever came up, commission chairman Don Howard said.

The study commission has not yet determined whether a specific Libby charter would be written to be voted on in the November general election, or whether the question in November will be on the concept of having a charter.

If the voters simply decide in November to change to a home-rule government, Larson said, the charter would be written afterward and voted on in another election.

Libby's charter would probably be much like the Whitefish charter, he said, but there would be differences to deal with local problems that are not the same.

If the proposed change in the form of government is approved by the voters, the council and mayor are to appoint a "transition team," which would automatically include the study commission members.

The commission is to answer questions and accept comments at a second public hearing, set for 8 p.m. June 9, again in the City Council chambers at Libby City Hall, before submitting its final report and recommendation.