

Powell County Commission On Local Government

Powell County Courthouse
DEER LODGE, MT 59722

COMMISSION MEMBERS

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TO THE PEOPLE OF POWELL COUNTY

The Powell County Commission on Local Government elected by the voters on November 5, 1974 presents this tentative report to the people of this county.

The responsibility of the study commission as defined in state law is "to study the form and power of government and existing procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana." After completing these two phases of the study it is the responsibility of the study commission to submit an alternative form of government to the qualified electors.

The study commission worked to fulfill the requirement of the Constitution and the Legislature. Our group studied the present form of powers of the government unit. Each member studied the alternative forms made available to local government by the Constitution and the Legislature.

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 questionnaires, in addition to the independent efforts of this study commission.

In this tentative report we present our recommendations for an alternative form of government that we feel will provide the government services expected by the people of Powell County. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for solutions to local problems.

We feel the following alternatives would be helpful in securing an orderly flow of government processes and maintaining a similar form of government at the county level:

- 1) Commission-Chairman form of government
- 2) Adoption of a County Charter
- 3) Acquisition of self-government powers
- 4) Transfer of law-enforcement services

The question for the adoption of this alternative form will be placed on the ballot November 2, 1976. We solicit your support for its adoption.

Respectfully submitted,

POWELL COUNTY COMMISSION ON LOCAL GOVERNMENT:


DOROTHY TERRY MANNIX, CHAIRPERSON


EUGENE BAUMAN


EARL B. WAHL

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CHARTER OF POWELL COUNTY

PREAMBLE

We, the people of Powell County, State of Montana, grateful to Almighty God for the blessings of freedom, in order to secure the advantages of local government powers, do, in accordance with Article XI, Section 5 of the Constitution of Montana and under the Constitution of the United States, establish and ordain this Charter of Powell County, Montana.

ARTICLE I
GENERAL PROVISIONS

- Section 1: Powell County shall have all self-government powers not prohibited by the Constitution of Montana, the laws of Montana or this charter.
- Section 2: The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.
- Section 3: As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.
- Section 4: All powers of Powell County belong to the people of Powell County. The powers shall be exercised by their elected representatives on the Commission, except as assigned to other elected officials in this charter.
- Section 5: Any bond, debt, contract, obligation or cause of action already accrued or established by the Powell County government shall be unaffected by this Charter.
- Section 6: Before entering upon the duties of office all Powell 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 and the Charter of Powell County that I will discharge the duties of my office with fidelity (so help me God)."

ARTICLE II
COUNTY COMMISSION

Composition, terms, election, qualifications, compensation, removal, filling of vacancies.

Section 1: There shall be a Commission of Powell County composed of five (5) members and each Commissioner shall reside in a designated commission district. Commission 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.

Section 2: All legislative, executive and administrative powers of the county not specifically reserved by law, ordinance or this charter to other elected officials shall reside in the commission.

Section 3: Candidates for each Commission district shall be elected at large in both the primary and general elections.

Section 4: Commissioners shall be elected for overlapping terms of four (4) years, on a partisan basis.

Section 5: All qualified electors of Powell County are eligible for election to the Commission.

Section 6: The office of Commissioner shall become vacant upon the members:

- a) death
- b) Resignation
- c) loss of eligibility for election
- d) violation of any express prohibition of this Charter
- e) conviction of a felony by a court of competent jurisdiction

Section 7: The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office.

Section 8: In the event of a vacancy the Commission shall, by a majority vote of the remaining members, appoint a qualified elector of that district to fill the vacancy until the next regular Commission election at which time the remainder of the term of office shall be filled by election as provided by law.

Section 9: Commission members shall receive actual and necessary expenses incurred in the performance of their duties of office, as approved by the Commission.

ARTICLE III
COMMISSION ORGANIZATION AND PROCEDURES

- Section 1: There shall be a chairman of the Commission elected by the members of the Commission from their own number to serve at the pleasure of the Commission. He shall be the presiding officer of the Commission, be recognized as the head of the local government unit and have the power to vote as other members of the Commission.
- Section 2: The Commission shall adopt by ordinance a set of written rules to govern its organization and procedures as consistent with state law.
- Section 3: The Commission shall provide for the keeping of a journal of its proceedings.
- Section 4: All meetings shall be open to the public except in such circumstances as are prescribed by state law.
- Section 5: All documents and records of the Commission shall be public records and shall be made available for examining and copying.
- Section 6: A majority vote of the entire Commission shall be required for all official actions of the Commission. A minimum of four (4) Commission members must be present when official actions are taken by the Commission.

ARTICLE IV
OTHER ELECTED OFFICIALS

Nomination, Election and Terms of all other elected county officials:

- Section 1: The following county officials shall be nominated and elected at large by the qualified electors of the county for partisan elections:
- a) County Attorney
 - b) Sheriff
 - c) Clerk and Recorder
 - d) Clerk of District Court
 - e) Treasurer
 - f) Superintendent of Schools
 - g) Assessor
- Section 2: Terms of office shall be for four years.
- Section 3: Elected officials shall be subject to all provisions in Montana law applicable to elected officials in counties with general government powers.

- Section 4: In the event of a vacancy or forfeiture, the commission shall, by a majority vote of all the members appoint a qualified elector to fill the vacancy until the next regular election at which time the remainder of the term of office shall be filled by election as provided by law.
- Section 5: The County Commissioners shall appoint all other officials in order to execute and enforce policies as are determined by the Commission and to carry out obligations imposed on the county by state law.
- Section 6: Elected officials shall retain the power of appointment of subordinates.
- Section 7: Salary of all elected officials shall be set by ordinance of the county commissioners.

ARTICLE V
MISCELLANEOUS PROVISIONS

- Section 1: The people of Powell County retain the right to amend provisions of this charter as prescribed by State law.
- Section 2: This Charter shall become effective on May 2, 1977.
- Section 3: If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VI
TRANSITIONAL PROVISIONS

- Section 1: Transition to this Charter form of government shall be as prescribed by law. The Commission may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of this Charter after July 1, 1978.
- Section 2: During the period of transition the Commission shall appoint an advisory committee of not less than five (5) members, one of which shall be a County Commissioner, one a member of the county study commission, and three qualified electors of the county.

Section 3: Salaries of all elected county officials and employees shall continue at their present level until the discontinuance of such office or position in accordance with this Charter, or the change in salary or employment of such officials and employees by the Commissioners in accordance with the provisions of this Charter.

Section 4: Provisions of this Charter in no way jeopardize the status of current county employees except as otherwise noted in this Charter.

Section 5: Each rule, ordinance or resolution of the Powell County government shall remain in force until superseded by action of the Commission. The Commission shall revise, repeal or reaffirm all such rules, ordinances and resolutions by May 2, 1979.

Section 6: The county commissioner elected on November 7, 1972, shall continue to hold office as a commissioner until his successor is elected in 1978 and qualified in 1979.

Section 7: The Commission shall meet on May 2, 1977 to elect its chairman, establish regular meeting dates and set the agenda for the next meeting. At this first meeting at least two of the Commissioners shall draw lots for two (2) year terms and the remaining two commissioners shall serve four (4) year terms. The Commission shall also at its first meeting adopt ordinances and resolutions to effect the transition of government under this Charter and to maintain effective county government during the transition.

Section 8: Reapportionment:

District 1

Avon-Elliston C.C.D. (E.D.'s 4,5)
Helmville C.C.D. (E.D. 3)
Ovando C.C.D. (E.D.'s 1,2)
Population 1533 Deviation + 15.4%

District 2

Cottonwood C.C.D. (E.D. 6)
E.D. 7 of Deer Lodge C.C.D.
Population 1323 Deviation -.7%

District 3

E.D. 8 of Deer Lodge C.C.D.
E.D. 9 of Deer Lodge C.C.D. except for the area bound:
1) On the East and South by the Deer Lodge city limits;
2) On the West by a line which bisects Washington Street from the city limits to Texas Avenue;
3) On the North by a line which bisects Texas Avenue from Washington Street to the city limits.
Population 1255 Deviation -5.8%

District 4

E.D. 10, 11 of Deer Lodge C.C.D.
Population 1326 Deviation -.45%

District 5

E. D. 12 of Deer Lodge C.C.D.
That area of E.D. 9 of Deer Lodge C.C.D. which is bound:
1) On the East and South by the Deer Lodge city limits;
2) On the West by a line which bisects Washington Street from the city limits to Texas Avenue;
3) On the North by a line which bisects Texas Avenue from Washington Street to the city limits.
Population 1218 Deviation -8.5%

CERTIFICATE
OF PROPOSED FORM OF
GOVERNMENT

We, the Powell County Commission on Local Government, do hereby certify that this is the alternative plan of government to be offered to voters on November 2, 1976, in accordance with Article XI, Section 5 of the Montana Constitution and described in Section 47A-3-208, provisions 1-18: Revised Codes of Montana 1947, authorizing Charter form of government.

In testimony whereof, we set our hands.

Done at Powell County Courthouse this 27th day of July, 1976.

Dorothy Terry Mannix
DOROTHY TERRY MANNIX, CHAIRPERSON

Eugene A. Bauman
EUGENE BAUMAN

Earl B. Wahl
EARL B. WAHL

(SEAL)

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