

I. LETTER TO THE CITIZENS OF THE TOWN OF DARBY

To the Citizens of the Town of Darby:

The Town of Darby Study Commission elected by the voters present this final report to you, the citizens of the Town of Darby.

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 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.

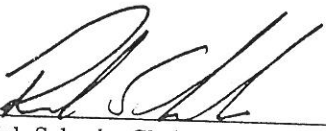
In every phase of this review this study commission sought advice and information from as many people in the town as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. In addition, public hearings were held and 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.

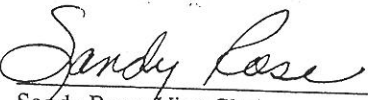
In this final report we present the current form of government and a possible alternative form of government. Our concern has been to provide the citizens of the Town of Darby with the information they need about viable forms of government that will meet the needs of the people now and in the future. We feel the citizens are responsible for choosing the form of government they desire through the electoral process.

The question of keeping our current form of government or adopting an alternative form of government will be placed on the ballot November 5, 1996. We solicit your support for participating in these local elections.

Respectfully submitted,


Rick Scheele, Chairman


Larry Blackburn, Member


Sandy Rose, Vice-Chair

A. FINDINGS OF THE STUDY COMMISSION

There are a number of concerns that were discussed by the commission that could be better addressed by a town with self-government powers. These concerns are:

- A dramatic population growth
- Increased demand on the town's water and sewer systems, roads, police, fire and ambulance services, and schools
- Urgent community planning needed with detailed zoning plans to effectively handle growth that protects current property values and rights, and preserves the aesthetic value of the town
- Increased tendency by the federal government to shift responsibilities back to local governments. That is why we need to implement self governing powers now and learn to be as self sufficient as possible, and not wait until the federal or state government mandates restrictions

Traditionally, the power over governmental concerns of the town has been the prerogative of the state legislature. The state legislature decided what local governments should do and how to do it. The new constitution provides that self-government powers can be adopted by towns as an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and local governments. Certain areas of control would be transferred from the state legislature to the town government. Some decisions that are now made on a state-wide basis by the legislature could be made at the local level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of the Town of Darby. 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.

Town of Darby self-government powers in the Commission-Executive form of government would have to recognize the supremacy of the U.S. Constitution, the Montana Constitution, federal law and state law.

II. SUMMARY OF RECOMMENDATIONS

The Town of Darby Government Study Commission, having studied our present form of town government and the alternative forms of government available to towns under state law, and having studied the future governmental needs of this town, recommend the following:

The citizens of the Town of Darby review the possible forms of government presented in this report and choose the one they feel will meet the needs of the people now and in the future by voting in the election on November 5, 1996.

A. FINDINGS OF THE STUDY COMMISSION

The commission believes the present form of government in Darby has the ability to function well, and meets the current needs of the citizens, however, the following are some areas of concern expressed by various local government officials, community organizations and citizens:

- Lack of citizen participation in government roles and decision making processes
- Lack of knowledge by the citizens of town government functions, duties, and responsibilities
- Poor communication between elected officials and their constituents
- Poor communication between Council Members, Mayor, and town employees
- Lack of coordination and cooperation between Council Members, Mayor and Town employees thus, creating weakness within the government and problems not being solved

Many of these problems appear to be related to the checks and balances built into the council-mayor form of government and also to severe personality differences. The council-mayor form of government has two council members elected from each ward for a total of four. If there is a tie vote among the town council, the mayor breaks the tie with his vote. This can give excessive power to the mayor in the decision making process. Also the lack of communication between elected officials and citizens, can create situations in which only minority view points are heard and represented. Some of these problems and others may be solved without changing the form of government. Improved communication and cooperation, and more active participation by the citizens in local government would alleviate some of these problems. Therefore without these basic changes, the commission concluded that no drastic change in form would significantly improve our town government.

(ONLY IN PRECINCT 4)

LOCAL GOVERNMENT REVIEW

TOWN OF DARBY

QUESTION #1 - If this question fails, the sub-options also fail.

Vote for One

FOR adoption of commission-executive charter form of government.

FOR the existing form of government.

FIRST OPTION to be included in the new form of government, if it is adopted.

Vote for One

For a 5 - member town council.

For a 4 - member town council.

SECOND OPTION to be included in the new form of government, if it is adopted.

Vote for One

For a two year term for the Mayor.

For a four year term for the Mayor

THIRD OPTION if the commission- executive charter form of government passes

Vote for one

For a special election for a Mayor and town council within 60 days of passage of a new government with a charter.

For the Mayor and council serving out their present terms of office.

ONLY ON PRECINCT 12 BALLOTS

CHARACTERISTICS	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	<p>COUNCIL- MAYOR</p> <p>Elected council performs policy making functions. Elected mayor administers government with the advice and consent of the council.</p>	<p>CHARTER</p> <p>Elected council performs policy making functions. Elected mayor administers government with the advice and consent of the council.</p>	No Change.
POWERS	General government powers	Self-government powers	Self government powers bring to the town the power to act in its own best interest, and flexibility in shaping government structure.
GOVERNING BODY	Council and mayor responsible for all legislative, executive, and administrative functions.	Council and mayor responsible for all legislative, executive, and administrative functions.	No Change.
Size	4 council members, 2 elected from each ward in nonpartisan elections. Mayor elected at large.	5 council members, 2 elected from each ward, and 1 elected at large in nonpartisan elections. Mayor elected at large.	Fifth member at large to better represent the citizens of the Town of Darby.
Term	Four-year overlapping terms.	Four-year overlapping terms for council. Two-year term for mayor.	Two- year term for mayor. More flexible administration.
Presiding Officer	Mayor	Mayor	No Change.
EXECUTIVE	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The elected mayor administers the government on a part time basis.	No Change
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	Presiding power rests with the council.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No Change
Budget Preparation	Mayor prepares budget in cooperation with department heads. Budget is then modified and approved by the council.	Mayor prepares budget in cooperation with department heads. Budget is then modified and approved by the council.	No Change