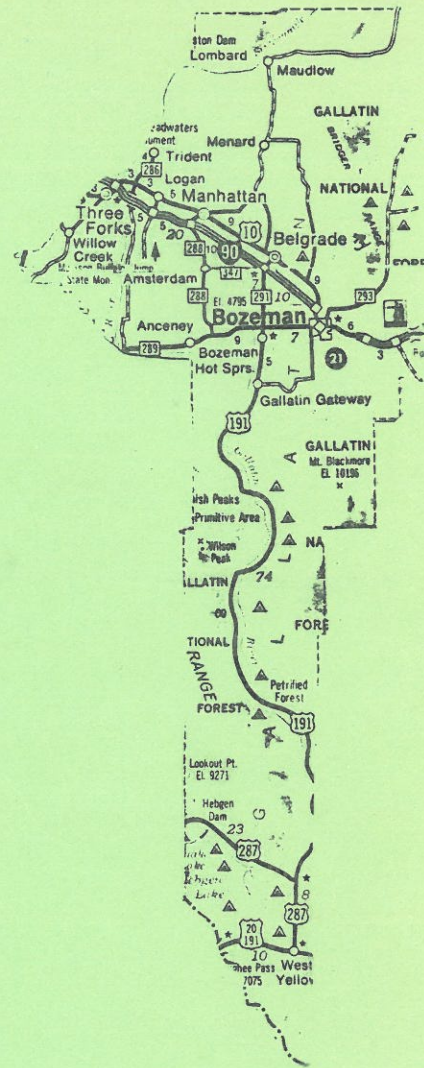


PRELIMINARY
REPORT

JUNE 1, 1976



Prepared by
Gallatin County Study Commission

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N O T I C E

Two thousand copies of this preliminary report have been prepared.

It was prepared for citizen information, reaction, and input before preparing the final report on or before August 1, 1976.

Public hearings are scheduled for:

Thursday - July 22 at 2:30 p.m.
Darigold Building, Bozeman

Thursday - July 22 at 7:30 p.m.
Darigold Building, Bozeman

Friday - July 23 at 8:00 p.m.
Manhattan Community Room

Tuesday - July 27 at 7:30 p.m.
West Yellowstone

Citizens will have the opportunity to comment on this report and alternate proposal at the above hearings.

Acknowledgements

Members of the Gallatin County Local Government Study Commission gratefully acknowledge the assistance and cooperation received from organizations, agencies, and individuals while this report was in the process of being prepared.

Special thanks is expressed to the following:

The State Commission of Local Government for assistance provided by them through personnel, interviews, workshops, and publications;

To the officials (past and present) and staff of Gallatin County's government - and the use of in-kind services and county equipment;

The Bozeman Study Commission and staff; the Study Commissions of Manhattan, Three Forks, Belgrade, and West Yellowstone for their cooperation;

To the news media: Bozeman Daily Chronicle, Three Forks Herald, High Country, Billings Gazette, KBMN, KXXL, and KGVW;

To the citizens who attended meetings and hearings;

Special thanks for research and secretarial help from the following: Cort Freeman, Connie Fellows, Yolonda McCready, Linda Praye, Carol Morse, Joyce Ransel, and Wanda Mize, and McKinley Anderson and Libby Sylvis.

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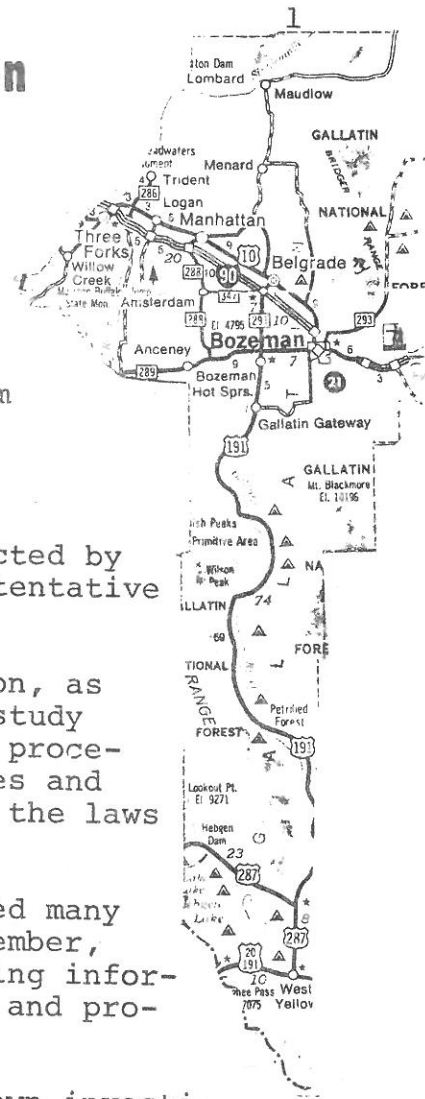
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Gallatin County Study Commission

TO: The Citizens of Gallatin County
FROM: The Gallatin County Study Commission
RE: The Tentative Alternate Government Form
For Gallatin County



The Gallatin County Study Commission elected by the voters on November 5, 1974, present this tentative proposal to the citizens of Gallatin County.

The responsibility of the study commission, as defined in state law, 16-5103 R.C.M., 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."

To do this, the study commission conducted many meetings and several public hearings from November, 1974 to May 1, 1975 for the purpose of gathering information regarding the current form, functions, and problems of Gallatin County government.

The information from the public and our own investigation of local government was then fitted to one of seven alternative choices provided under state law. Modification of the commission form of government is our choice. This alternative will be discussed in this preliminary report.

This tentative proposed form or alternate form of government will be assessed at public meetings between now and August 1, 1976 when a final report of the study commission will be prepared and placed on the November election ballot. It will then be up to the electorate to adopt the alternate form or retain the present form.

Therefore, this tentative report will act as a guide for developing the final report and ultimately the form of government the voters of Gallatin County wish to adopt. As an instrument of direction, this proposal will not only contain a majority report but also may contain a minority report as provided under state law.

COMMISSION MEMBERS

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Be that as it may, in every phase of this study, this study commission sought advice and information from as many people in the county 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. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

Our proposals 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 preliminary report we present an alternative 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 Gallatin County can achieve these goals by adopting the modification of the commission form of government very much like the present form of government.

Public hearings on this proposal are scheduled for:

Bozeman - Thursday, July 22, at 2:30 p.m. and 7:30 p.m.
at the Darigold Building.

Manhattan - Friday, July 23, at 8:00 p.m. at the
Community Center.

West Yellowstone - July 27, at 7:30 p.m.

*The tentative alternate commission form of county government has only minor changes from the present commission form, that includes having the coroner, public administrator and surveyor under the determination of the county commissioners (not elected).

*Minority Report -

The alternate proposal, not a sub-option should include five (5) County Commissioners with overlapping (4) four-year terms. The Treasurer should be appointed by the County Commissioners as the County Financial Director (responsible for all budgeting and financial matters, including school budgets and bookkeeping functions.) Present duties of the Auditor should be included under Financial Director - an independent outside auditor should be hired by the Commission (position need not be full time).

There will be three (3) sub-options to the alternate form for voters' choice:

1. Three (3), or five (5) county commissioners.
2. (4) four, or (6) six-year terms for county commissioners (all other elected officials will have 4-year terms).
3. Elect Auditor, as at present, or Auditor selected county commissioner determination, by ordinance.

In order to pass a sub-option, the alternate form must have majority approval.

The question for the adoption of the alternate form will be placed on the November 2, 1976 ballot.

We solicit your discussion of this alternative form of government.

Respectfully submitted,

Gallatin County Study Commission
Members:


Paul K. Dudley, Chairman


Lyle H. Davis


Grace C. Bates

NOTE: Minority Report by Grace C. Bates

The Gallatin County Local Government Study Commission having thoroughly studied our present form of county government and the alternative forms of government available to counties under state law, and having studied the future governmental needs of this county, recommends the following.

This preliminary report that Gallatin County could adopt, effective May 2, 1977, is a modification of the commission form of county government. This alternative, except for minor changes, is substantially the same as the one now in effect in Gallatin County. Also for voters choice are the following, three sub-options to the alternative form:

*1. The number of commissioners either three (3) or five (5) is to be determined by voters and if three, nominated by districts** in which the candidates must reside, but elected at large; or if five elected, 3 nominated by districts in which candidates must reside, and 2 nominated at large and all elected at large.

***2. The question of term of office of elected commissioners will be presented to the electorate for their vote as a sub-option. Under Article XI, Section 3 (2), of the Montana constitution, a commissioner's term of office may not exceed (6) six years. Terms of office can be reduced to (4) four-years. However, terms of office shall be

Minority Report -

*For more county representation 5 county commissioners should be in the alternate form (not a sub-option).

**By deleting the words (apportion by population, does not change the law, the law that states " . . districts that are apportioned by population . .").

***4-year terms are more responsive to the voters, this too should be in the alternate form (not a sub-option).

established when the form is adopted by the voters. (All other forms of county government permit 4-year terms only).

*3. The question of how to fill the office of County Auditor will be presented to the voters as a sub-option. An auditor can be elected, or selected at the discretion of the commission by ordinance; or shall not be included at all.

This modification of the commission form allows that the coroner, surveyor, and public administrator who are now elected can be elected; or selected at the discretion of the Commission by ordinance; or shall not be included at all.

To make county government more functional under modification of the commissioner form, the governing officials can at their discretion appoint one or more administrative assistants for the county.

Sample ballot, models follow:

1. Sample ballot.
2. Chart of existing commision form.
3. Chart of alternate commission form.
4. Comparison of specific characteristics.

*Present auditor duties should be under Financial Director and an independent, outside auditor, should be appointed by the County Commissioners (this need not be a full time position).

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed form of government and of the existing form of government are available at your polling places.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

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

PLEASE VOTE ON ALL ISSUES

VOTE FOR ONE

For adoption of the alternate form of county government proposed in the report of the Gallatin County Local Government Study Commission.

For the existing Commission form of government.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted.

The number of commissioners:

There shall be three (3) commissioners nominated from districts in which the candidates must reside, but elected at large. (as at present)

There shall be five (5) commissioners, three nominated by districts in which candidates must reside two (2) nominated at large, but all elected at large.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted

The Term of Office of Elected Commissioners:

The term of office for commissioners will be (6) six-years (as at present).

The term of office for commissioners will be (4) four-years.

VOTE FOR ONE

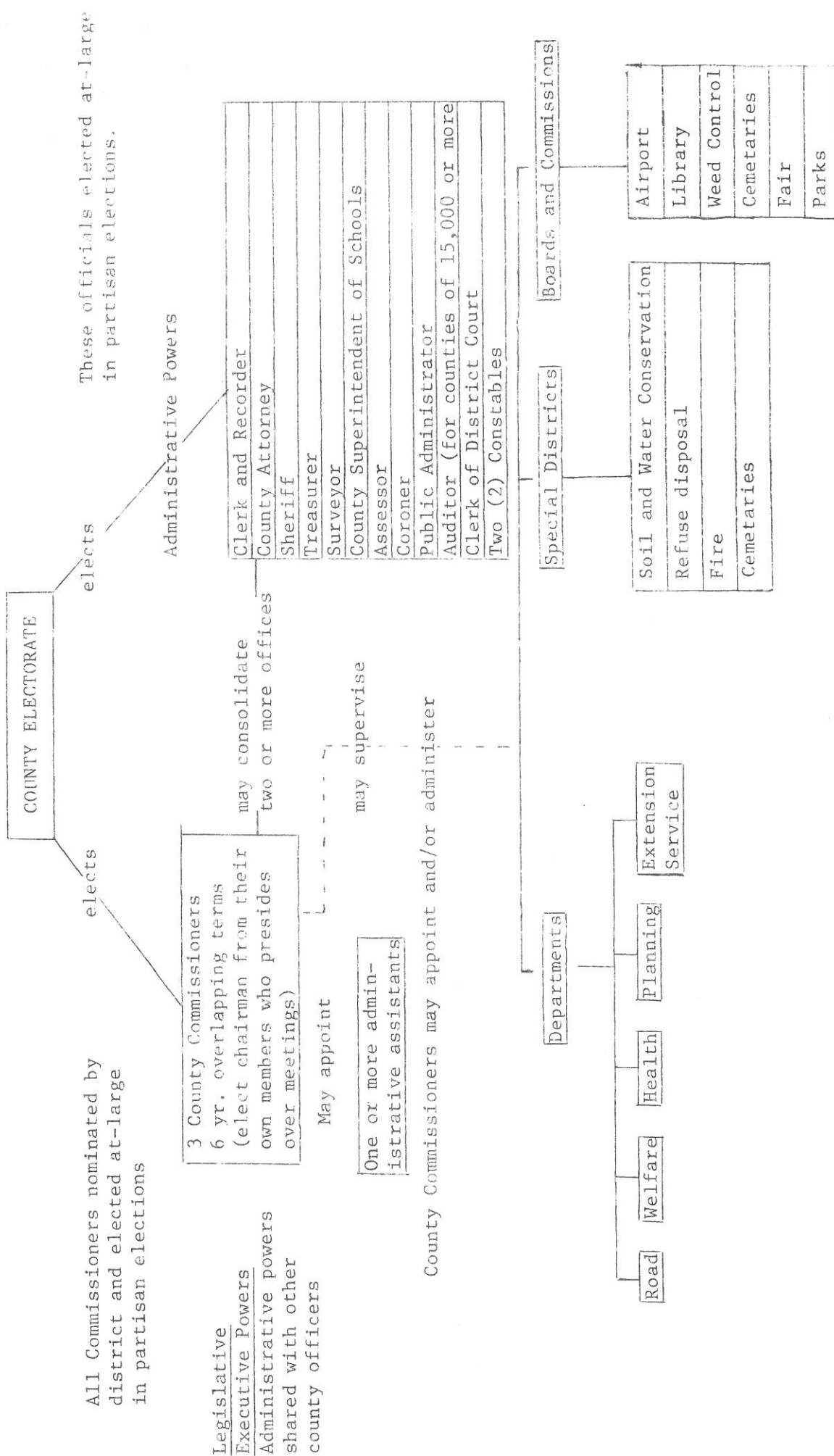
Sub-option to be included in the new form of government if it is adopted.

County Auditor:

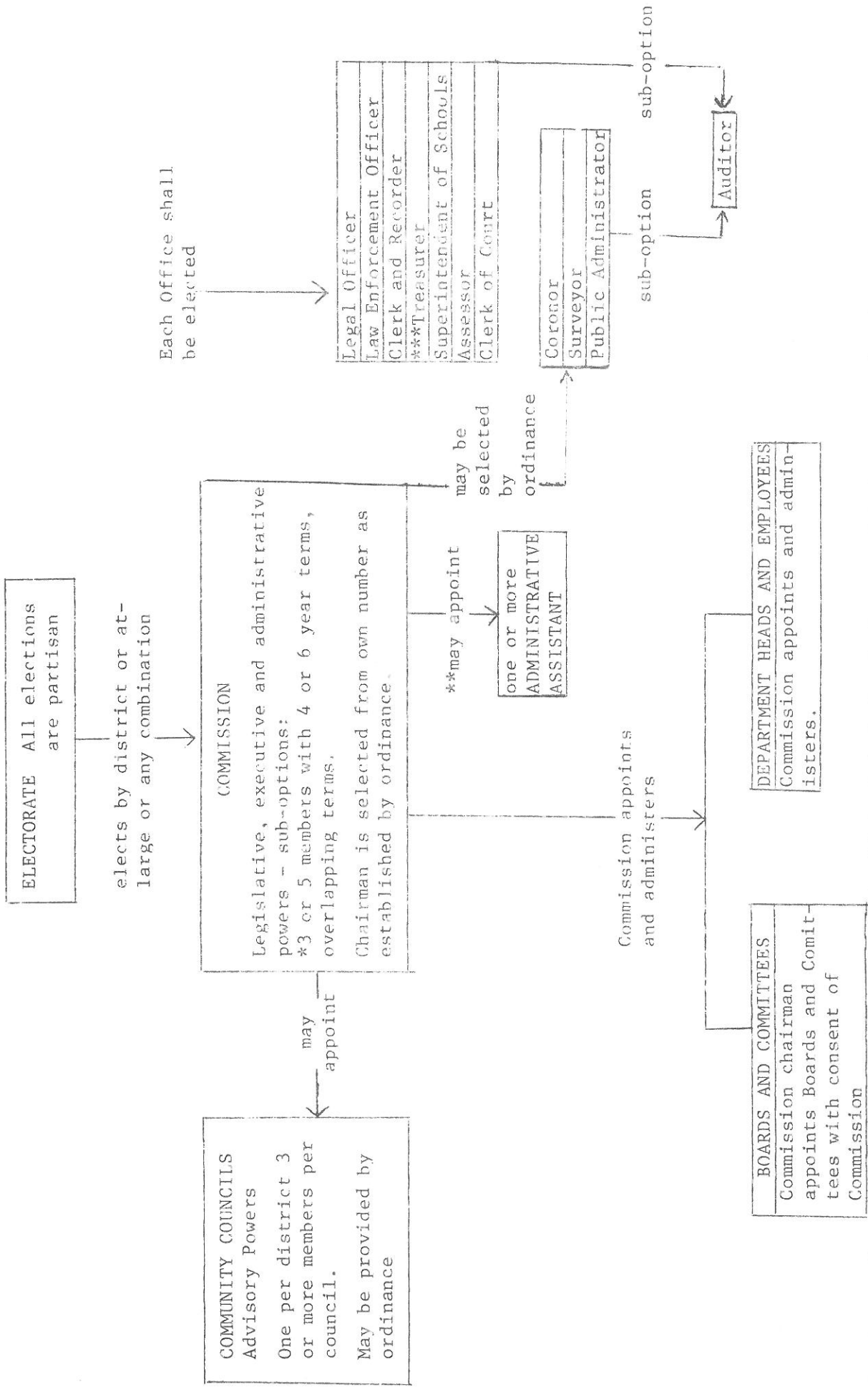
The County Auditor should be elected, (as at present)

The County Auditor shall be under the determination of the County Commissioners. (by ordinance)

EXISTING FORM OF GOVERNMENT



COMMISSION ALTERNATIVE FORM



*Minority - Alternate form (not sub-option) should include 5 Commissioners with 4 year overlapping terms.
 **Shall appoint one or more administrative assistants such as a financial director.
 ***Treasurer should be a Commissioner appointed Financial Director
 ****Auditor duties should be incorporated in office of Financial Director (an outside independent auditor should be appointed by Commission. Need not be full time position).
 Sub-option - Auditor elected or may at the determination of Commissioners be selected by ordinance.

COMPARISON OF EXISTING FORM OF GOVERNMENT AND
PROPOSED FORM OF GOVERNMENT

A. General Characteristics

The commission form is primarily a county phenomenon with respect to both Montana and the nation as a whole. It is used in all but one of the state's 56 counties. It is the only plan of government that is specifically mentioned in the Montana constitution. Article XI, Section (3) reads:

One optional form of county government includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator.

Counties which wish to function under the present administrative structure in the future, improving upon it with slightly increased powers, are more suited to the basic commission form of government. Gallatin County can be considered a case in point. Officials in such counties are elected and often re-elected, and thus are experienced, long-term public servants. They are native to the community and naturally reflect local attitudes and values. Their administration is characterized by an informal and familiar style. This kind of government contains the flavor of traditional American democracy, and can best be retained through modification of the commissioner form of government.

1. Existing Form

Policy Making and Administrative Structure

The Gallatin County government can best be described as a collection of 14 somewhat autonomous administrative offices

consisting of a commission of three members and eleven elected officials. In addition, many boards, commissions, and special districts operate within the county government.

The three member board of county commissioners is elected by the voters of the county for six year overlapping terms; the term of one commissioner expires every two years. Each commissioner must reside in the district he represents but commissioners are elected at-large on a county-wide basis. Elections are partisan.

The commission has a "chairman" who serves as the body's presiding officer. The chairman is empowered to appoint members of boards with the consent of the commission. The chairman also votes as a member of the commission. Although the chairman is to be "recognized as the head of the local government unit," his power in no significant fashion exceeds that of the other commission members. The chairman's characterization, in fact, should "simply . . . be first among equals."

The commissioners serve as the executive branch of the county government and are responsible for the administration of the business affairs of the county as outlined in state law. They approve the county budget, levy taxes, issue bonds, enter into contracts, approve claims, and may buy; sell and lease county property. They also have the responsibility to appoint members of boards and commissions and any department heads who are not elected.

Under the existing form of government, county commissioners have rather limited authority to supervise officials and employees of the county government. They can supervise

those whom they appoint but the only control they have over departments headed by elected officials is through the county budget. They also have some authority over the salaries and number of deputies which the elected officials may have.

In addition to the three commissioners, there are eleven other elected officials under the existing form of county government:

Sheriff	Public Administrator
County Attorney	Treasurer
Clerk and Recorder	Clerk of District Court
County Superintendent of Schools	Assessor
Surveyor	Auditor
Coroner	(2 Constables)

The salaries as well as the powers and duties of these officials are determined by state law under the existing form, and each official is bound by the laws of Montana to perform his duty in a professional manner.

Numerous boards, commissions and special districts also operate in the county to administer services. These governmental bodies' authority ranges from advisory agencies which are subordinate to the commissioners, to those which operate independently of commission control, but under state guidelines. Members of these various boards may be appointed by the county commissioners or in some cases members are elected. Such as:

Library

Airport Board

Weed Control Board

Cemetary Board

Refuse Disposal Districts

Rural Improvement Districts

Fair Board

County Planning Boards

Board of Health

Soil and Water Conservation District

Fire Districts

Structures for the Delivery of Services

In some instances the county is acting as an agent of the state in providing "traditional" services such as elections, property tax collections, and so forth, but increasingly county government is involved in providing urban-type services. This can be good and bad, depending on the level of available expertise to keep urban services in line with county budgets. Without a certain amount of help, Counties can get into a "leap before you look" situation and find themselves tied to services they cannot in reality provide. This is not to say public services aren't good. They are and local government should be responsive to the needs of its citizens. But government must be ruled by the bottom line. Major county-provided services can include:

Elections

Record Keeping Functions

Financial Administration

Maintenance of Roads and Bridges

Agricultural and Rural Services (such as county fairs, Cooperative Extension Service, weed, insect, rodent and predator control programs, and rural fire protection).

Public Safety and Judicial Administration (such as law enforcement, county attorney, and justice courts).

Social Services (such as welfare, health, hospitals and nursing homes, and ambulance services).

Recreation

Parks

Planning and Development

Under the existing form of government some services are provided by elected county officials (for example, the Clerk and Recorder, Treasurer, Sheriff, etc.) while others such as libraries, airports, health services, weed control, etc. are provided by the numerous boards and special districts mentioned above. In some cases, these boards and districts provide services in situations in which the county, under existing state law, does not have the authority to provide services directly. For counties that believe districts reflect citizen needs, in the fashion of private enterprise fulfilling a need, boards and districts are useful tools.

Power and Authority of County Government

Under the present form of government, Gallatin County operates with limited powers which are restricted by the "Dillon Rule." This judicial interpretation states that local governments have only those powers specifically granted to them by the State Legislature. It further provides that if there is any doubt as to the existence of a local government power, the power is to be denied.

The optional feature of self-government power is not available under the commission form. Only general powers can be exercised by a commission government adopted as an optional form. The rationale for this limitation is that the broad scope of self-government powers potentially increases the burdens placed on a local government. An executive office separated from the legislative branch is held to be essential in order to secure necessary leadership and accountability under such circumstances. However, this broadening of government is sometimes less than a means to an end when "general powers" can successfully meet the needs of the community.

2. Proposed Form

Problem Areas

Gallatin County's traditional county commissioner form with its row of offices similar to the majority of county governments throughout Montana suffers from the general criticism leveled at almost all forms of government; mainly, that public services are inefficient and expensive. In this county, voters elect, in addition to the commissioners, eleven county officials who have primarily administrative rather than policy-making duties. For the most part, these officials operate autonomously, without formal coordination and their duties often are not clearly defined. With eleven row offices, duplication of responsibility can represent a considerable cost and often an irritating inconvenience to citizens who demand more formal and systematized government.

In addition, the functions and duties performed by some of these offices are services needed only on an occasional basis (if even that much) or services which are essentially "non-functional" to the operation of county government and only act as an additional, unnecessary expense.

Proposed Change

The Montana optional forms statute provides some means of minimizing these deficiencies in our county government while at the same time allowing Gallatin County to retain the basic structure of its longstanding governmental form. As a consequence, the study commission proposes that the offices of Coroner, Public Administrator, and Surveyor, may at the discretion of the commission be selected as provided by ordinance. It should be remembered, all counties will possess ordinance making power as a result of the new state constitution and subsequent implementing action by the Montana Legislature. These steps constitute more of a facelifting than a thorough modernization of the oldest of local government forms. But they should, to an extent yet unknown, help make a commission government somewhat more decisive, unified and innovative.

County office elimination, consolidation, or merely contracting out such services may result in some savings of administrative costs, but to achieve maximum efficiency and economy only the coordinated effort, centralized responsibility, simplified record-keeping, and selection of personnel on a merit basis will do the job. Such maximum efficiency and economy is more difficult under present typical county

administrative procedures with numerous elected, independent officers.* Appointment of some officials under the optional commission form of government should help to make county government more responsive.

In addition to appointing certain officers, the county commissioners will have the choice of appointing one or more administrative assistants, to oversee county actions and coordinate administrative efforts.

To achieve broader coverage of the county's needs and desires, the study commission proposes that five (5) instead of three (3) commissioners be elected and that these elected officials serve four year overlapping terms. The shorter terms should result in greater accountability for elected officials.

The overall thrust of modification of the commissioner form of county government is to leave as much of the present structure intact, believing any tremendous shift in governmental form leaves the question of services to be provided and their costs unresolved.

*Minority Report: Specifically if a County Commission appointed a Financial Director replaced an elected Treasurer.

COMPARISON OF SPECIFIC CHARACTERISTICS

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	TENTATIVE PROPOSED FORM OF GOVERNMENT	EVALUATORY COMMENTS	
			MAJORITY	MINORITY
Form of Government	COMMISSION FORM. Merges legislative, administrative and executive functions in commission.	Same	Satisfactory. (there can be some separation of legislative administrative, perhaps through an appointed financial director.	This form should have a separation of legislative and administrative. County Commissioners should have continuous supervisor control of finances through an appointed Financial Director
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. No power to pass ordinances.	Same	Satisfactory. As of May, 1977 county governments will have the power to pass ordinances.	
Governing Body				
Size	3 Commissioners nominated by district, elected at large.	Sub-option 3 or 5 County Commissioners	Sub-option. (5 would provide broader representation)	5 County Commissioners are more representative of the County and should be included in the alternate form (not as a sub-option) (County Commissioners may be part time or full time)
Election	Partisan	Same	Most candidates need the financial and physical support of a political party.	Nominating districts should be apportioned by population.
Term	6 year overlapping terms	Sub-option 4 or 6 year terms.	Sub-option. Possible advantages of 4-years is a shorter period of accountability.	4 year overlapping terms more accountable, should be in alternate form (not sub-option)
Presiding Officer	Chairman--elected from own members	Same	Satisfactory	

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	TENTATIVE PROPOSED FORM OF GOVERNMENT	EVALUATORY COMMENTS	
			MAJORITY	MINORITY
Governing Body (cont'd) Duties	Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Same	Satisfactory	Commission should be responsible for executive and legislative and indirectly responsible for administrative.
Other Elected Officials	11 separate elected officials:		Elected because:	
	Sheriff	Same	Strong public option to retain elective office.	
	County Attorney	Same	Strong public option to retain elective office.	
	Clerk and Recorder	Same	Strong public option to retain elective office.	Bookkeeping should be under a director of finance.
	Assessor	Same	For ballot box control of this state office.	
	Clerk of the Court	Same	Satisfactory	
	Treasurer	Same	Satisfactory	Should be a Financial Director appointed by County Commissioners and responsible to them.
Auditor	Sub-option. Elect or at the County Commission discretion selected by ordinance.	Sub-option. (County Commissioner flexibility and privilege to determine by ordinance)		Should not be a sub-option. Present function of this office should be under a financial director. An independent should be hired (by County Commissioners or District Judge. Qualifications should be necessary.

CHARACTERISTIC

PRESENT FORM OF GOVERNMENT

TENTATIVE PROPOSED FORM OF GOVERNMENT

EVALUATORY COMMENTS

MAJORITY

MINORITY

Other Elected Officials (con't)

Superintendent of Schools

Same

Satisfactory

School budget should be included in duties of a Financial Director. Other duties under determination of the County Commissioners.

Non-elected

Because:

Coroner

Under determination of County Commissioners

Should have qualifications (often no one filed for the position.)

Surveyor

Under determination of County Commissioners

Should have qualifications (often no one filed for the position) By ordinance or contract.

Public Administrator

Under determination of County Commissioners

Should have qualifications. By ordinance or contract.

Chief Administrative Officer

None. Administrative responsibilities shared by Commissioners, and elected officials, and various boards, etc.

Same

County Commissioners may have one or more administrative assistants

County Commission shall have one or more administrative assistants responsible and accountable to them, such as a Director of Finance.

Appointment Powers

Commission appoints department heads not elected, members of boards, commissions, special districts

Same

Satisfactory

Recommend: Vacancies on Advisory Boards or Commission should be published in local newspaper 30 days prior to filling position.

Budget Preparation

Clerk and Recorder prepares budget with officials and departments. Modified and/or approved by Commission.

Same

Satisfactory

An appointed treasurer (financial director) should prepare proposed budgets of officials and departments. County Commission can modify or approve budgets.

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	TENTATIVE PROPOSED FORM OF GOVERNMENT	EVALUATORY COMMENTS	
			MAJORITY	MINORITY
Service Deliver Structure	Performed by elected offices and appointed boards, commissions, and special districts.	Same	Satisfactory	
Citizen Participation		Hopefully more	Scheduled County Commission meetings with prepared agenda could provide more citizen participation and understanding of county government.	
Community Councils	None (permissive after May, 1977)	Permissive	Each County Commissioner District (3) <u>may</u> have councils of three or more members appointed by the Commissioners.	

C. Recommendation and Reasons

Findings of the Study Commission

After an intensive study of almost two years, it is the decision of the study commission to recommend only slight changes in the present form of county government, and these changes are geared to presenting a broader form of representation in elected commissioners as well as solidifying those aspects of county government that the study commission believes are working well and should be saved. The study commission generally found during the course of study which included research, discussion, public hearings, testimony of public officials, and citizen surveys that in exercising its traditional functions, county government is reasonably effective. The study commission feels that any large scale changes are not warranted. However, the study commission members feel that a broader representation may be needed in the form of more commissioners. Also, more responsiveness to the community could be achieved through shorter terms of office for county commissioners, namely *four years instead of six. And the possibility of a county administrative assistants should not be ruled out.

In attempting to find a workable base, the study commission believed that maintaining the commission structure of government with modifications and sub-options would, if

*Minority Report - 5 County Commissioners with 4-year terms should be in alternate form - (not sub-option. Also a financial director - would make county government more accountable, responsible, and more representative.

approved, facilitate implementation and not disrupt present procedures, thus ensuring an even flow of government services to Gallatin County residents.

As one of the fastest growing counties in Montana, more than 30 percent increase every decade and one that is witnessing a rapid change from agriculture to rural city life near city centers, Gallatin County's stability was deemed of primary importance.

Instead of offering a major departure in the form of county government, it was felt that in this rapid growth situation modification of the commission form of county government could best serve the interests of the voters. This form of government has been provided for.

With the adoption of the 1972 Constitution, counties may, for the first time, have legislative powers; they may enact local laws or ordinances. The authority to pass ordinances will mean an increase in authority and responsibility. Used sparingly, the study commission believes this can assist in the decision-making process. The commission form of government now existing is well supplied with state statutes to answer the questions of how to administer county government. These state statutes plus new laws available under modification of the commission form of government should work well in the future.

A major area of concern is with the day to day activities of the county--that is, with responsibilities allocated to several departments under the existing local government structure, it might be wise if the commissioners hire an

administrative assistant, who would be responsible for coordinating governmental activities in the county under the county commissioners. This would tighten communication between the various county departments, and assist the Commissioners in the governmental process. *The Study Commission believes it should be up to the Commissioners to make this decision.

A Gallatin County questionnaire given to approximately 450 persons and returned by 350 persons indicated that the present form of government was sufficient, but that there should possibly be more commissioners, a county administrative assistant and a director of finance.

A majority said that consolidation of city-county government was not feasible, even though many believed that sharing services was possible. After discussion of the duties and functions of some of the elected officials, many county residents decided some offices should be appointed by the county commissioners instead of being elected to offices. The constables fell into this category as did the coroner, surveyor, and public administrator.

A consensus of survey information showed:

- * A preference for local decision-making, but under state statutes rather than new county ordinances.

* Minority - County Commissioners should (not may) have administrative assistants such as Financial Director.

- * A need for more county government policy makers, so the county could be better represented. Five county commissioners was the most popular number listed.
- * A need for a county financial director.
- * A need for a set time for county commissioners to meet and establish policy. It was felt that policy should not be made on a daily or hourly basis, as it is impossible for the average citizen to know what county policy really is.
- * A need to establish a chain of responsibility and accountability.
- * Support for combining law enforcement facilities--not forces--of Gallatin County and Bozeman.

To meet these needs and preferences, the study commission felt a modification of the commissioner form of government would achieve these goals. Under this type of government the commissioners, who could be five in number, could enact ordinances for the determination of coroner, public administrator, surveyor, and auditor. Under the present laws the commissioners have to accept those elected. However, if they had the privilege of appointing these officers, they could choose the people they wanted to fill the positions. The methods and needs for seeking the best applicant would be up to the county commissioners.

Administrative Assistants, if selected by the county commissioners, would probably be hired on the basis of merit only, and would serve at the pleasure of the commission and could be replaced at any time.

Another phase of improving county government would be the possible formation of advisory councils or citizen councils. These people could maintain a regular dialogue with the commissioners and keep them informed as to the

needs of the residents of the district. The citizen councils would act like a community sounding board, especially voicing pet peeves of residents.

EXHIBIT A

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
COUNTY OF GALLATIN

Upon approval of the majority of voters the government of Gallatin County shall be organized under the following provisions of Section 47A-3-205 RCM, 1947.

- (1)
- (2) (a) The question of how many commissioners will be elected and the manner of the given election will be presented to the voters as a suboption to be voted on. The option approved by the voters will become part of this plan of government.
- (2) (b) (i)
- (2) (c) (i)
- (2) (d) (ii)
- (2) (e) (ii)
- (2) (f) (ii)
- (2) (g) The question of term of office of commissioners will be presented to the voters as a suboption to be voted on. The option approved by the voters will become part of this plan of government.
- (3) (a) (i)
- (3) (b) (i)
- (3) (c) (i)
- (3) (d) (i)
- (3) (e) (i)
- (3) (f) (v)
- (3) (g) (i)
- (3) (h) (i)
- (3) (i) (v)
- (3) (j) (v)
- (3) (k) The question of the procedural form in filling the office of auditor will be presented to the voters as a suboption to be voted on. The option approved by the voters will become part of this plan of government.
- (4)

These sections establish the following form of government which shall be called a COMMISSION form in this county.

- (1) The commission form consists of an elected commission and other elected officers as provided in this section. 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.

- (2) The plan of government submitted to the qualified electors shall further define the structural characteristics of the form.

* (a) The commission shall be:

- (III) if three (3) commissioners, they will be nominated from districts in which candidates must reside, but elected at large; or
 (II) & (III) if five (5) commissioners, three will be nominated from districts in which candidates must reside, two will be nominated at large, all elected at large.

(b) Local government elections shall be conducted on a:

(I) partisan basis as provided in this title.

(c) The chairman of the commission shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members of the commission. The chairman shall be:

(I) elected by members of the commission from their own number for a term established by the ordinance.

(d) The commission:

** (II) may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

Minority -

*5 County Commissioners should be in the alternate form (not sub-option) and nominating districts should be apportioned by population.

**shall (not may) appoint one or more administrative assistants.

- (e) Commission members shall be elected for:
 - (II) overlapping terms of office.
- (f) (sub-option - 3 or 5 county commissioners)
The size of the commission, which shall be a number of not less than three (3), shall be established when the form is adopted by the voters, and:
 - (II) community councils to advise commissioners may be authorized by ordinance.
- * (g) Sub-option - (4 or 6 year terms for county commissioners). The term of office of elected officials may not exceed four (4) years, except the term of office for commissioners in counties adopting the (commission) form authorized by Article XI, Section 3 (21 of the Montana Constitution, may not exceed six (6) years.) The option approved by voters will become part of the plan of government.

Terms of other elected officials shall be four (4) years.

- (3) In county governments, the plan of government submitted to the qualified electors shall further define the structural characteristics of the form. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.
 - (a) A legal officer (who may be called the "county attorney"):
 - (I) shall be elected.
 - (b) A law enforcement officer (who may be called the "sheriff"):
 - (I) shall be elected.
 - (c) A clerk and recorder:
 - (I) shall be elected.
 - (d) A clerk of district court:
 - (I) shall be elected.

*Minority - county commissioners should have four year terms.

- * (e) A treasurer:
 - (I) shall be elected.
 - (f) A surveyor:
 - (V) may at the discretion of the commission be selected as provided by ordinance.
 - ** (g) A superintendent of schools:
 - (I) shall be elected.
 - (h) An assessor:
 - (I) shall be elected.
 - (i) A coroner:
 - (V) may at the discretion of the commission be selected as provided by ordinance.
 - (j) A public administrator:
 - (V) may at the discretion of the commission be selected as provided by ordinance.
 - *** (k) An auditor: - sub-option
 - (I) shall be elected; or
 - (V) may at the discretion of the commission be selected as provided by ordinance.

The option approved by the voters will become part of this plan of government.
- (4) Local governments that adopt this form shall have general government powers.

Minority -

- *Treasurer should be the appointed financial director
- **Superintendent of schools should be under the determination of the commission and may be selected as provided by ordinance specifically if budgets are under a financial director.
- ***Present auditor duties should be under a financial director (an independent outside auditor should be appointed by the commission or District Judge (need not be a full time position)).

*We, the Study Commissioners of Gallatin County, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of Gallatin County.

SEAL

In testimony whereof, we set our hands.

Done at _____ this _____

day of _____

ATTEST: Carl L. Steeby
CLERK & RECORDER OF
GALLATIN COUNTY

Paul K. Dudley
Paul K. Dudley, Chairman

Lyle H. Davis
Lyle H. Davis

Grace C. Bates
Grace C. Bates

*Minority - Believes added constructive changes in specific areas possible, but support alternate form as an improvement over present form.

EXHIBIT B

CERTIFICATE
 ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
 FOR THE
 COUNTY OF GALLATIN

If retained by the voters, the government of Gallatin County shall be organized in the following provisions of Section 47A-3-205 RCM, 1947.

- (1)
- (2) (a) (iii)
- (2) (b) (i)
- (2) (c) (i)
- (2) (d) (ii)
- (2) (e) (ii)
- (2) (f) (ii)
- (2) (g) The term of office of commissioners will be set at six years.
- (3) (a) (i)
- (3) (b) (i)
- (3) (c) (i)
- (3) (d) (i)
- (3) (e) (i)
- (3) (f) (i)
- (3) (g) (i)
- (3) (h) (i)
- (3) (i) (i)
- (3) (j) (i)
- (3) (k) (i)

These sections establish the following form of government which shall be called a COMMISSION form in this county.

- (1) The commission form consists of an elected commission and other elected officers as provided in this section. 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 department heads and other employees other than those employees appointed by elected officials.
- (2) The plan of government shall also include the following:
 - (a) The commission

- (b) Local government elections shall be conducted on a partisan basis as provided in this title.
 - (c) The chairman of the commission shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and he may vote as other members of the commission. He shall be elected by the members of the commission from their own number for a term established by ordinance.
 - (d) The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.
 - (e) Commission members shall be elected for overlapping terms of office.
 - (f) The size of the commission shall be three (3) members.
 - (g) The term of the commissioners shall be (6) six years. Other elected officials shall serve (4) four-year terms.
- (3) The plan of government shall further define the structural characteristics of the form by including the following:
- (a) A legal officer (called the county attorney) shall be elected.
 - (b) A law enforcement officer (called the "sheriff") shall be elected.
 - (c) A clerk and recorder shall be elected.
 - (d) A clerk of district court shall be elected.
 - (e) A treasurer shall be elected.
 - (f) A surveyor shall be elected.
 - (g) A superintendent of schools shall be elected.
 - (h) An assessor shall be elected.
 - (i) A coroner shall be elected.

- (j) A public administrator shall be elected.
- (k) An auditor shall be elected.
- (4) The plan of government shall have general government powers.

SEAL

We, the Study Commissioners of Gallatin County do hereby certify that this is the existing Plan of Government as established by Section 47A-3-205: Revised Codes of Montana, 1947.

In testimony whereof, we set our hands.

Done at _____ this _____

day of _____.

ATTEST:

Carl L. Stucky
 CLERK & RECORDER OF
 GALLATIN COUNTY.

Paul K. Dudley
 Paul K. Dudley, Chairman

Lyle H. Davis
 Lyle H. Davis

Grace C. Bates
 Grace C. Bates

EXHIBIT C

CERTIFICATE

ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF GALLATIN COUNTY

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Gallatin County at a special election to be held with the general election on November 2, 1976.

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

In testimony whereof, we set our hands.

Done at _____ this _____
day of _____

ATTEST: Carl L. Strickby
CLERK & RECORDER OF
GALLATIN COUNTY

Paul K. Dudley
Paul K. Dudley, Chairman
Lyle H. Davis
Lyle H. Davis
Grace C. Bates
Grace C. Bates

CERTIFICATE

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EXHIBIT D ESTABLISHING THE OFFICIAL BALLOT FOR THE
NOVEMBER 2, 1976 SPECIAL ELECTION.

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed form of government and of the existing form of government are available at your polling places.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

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

PLEASE VOTE ON ALL ISSUES

VOTE FOR ONE

For adoption of the alternate form of county government proposed in the report of the Gallatin County Local Government Study Commission.

For the existing Commission form of government.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted.

The number of commissioners:

There shall be three (3) commissioners nominated from districts in which the candidates must reside, but elected at large. (as at present)

There shall be five (5) commissioners, three nominated by districts in which candidates must reside two (2) nominated at large, but all elected at large.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted

The Term of Office of Elected Commissioners:

The term of office for commissioners will be (6) six-years (as at present).

The term of office for commissioners will be (4) four-years.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted.

County Auditor:

The County Auditor should be elected, (as at present)

The County Auditor shall be under the determination of the County Commissioners. (by ordinance)

We, the Study Commission of Gallatin County do hereby certify that this is the proposed plan of government approved by the Study Commission of Gallatin County, Montana.

In testimony whereof, we set our hands.

Done at _____, Montana.

this _____ day of _____, 1976.

Paul K. Dudley

Paul K. Dudley, Chairman

Lyle H. Davis

Lyle H. Davis

Grace C. Bates

Grace C. Bates

