

SELF-GOVERNMENT POWERS FOR CUSTER COUNTY

The 1972 Montana constitution provides in Article XI, Section 6 that "A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter." The opportunities provided by this section of the new state constitution are dramatic and yet subtle. It reverses entirely the so-called Dillon Rule which has deeply affected local government activities. The Dillon Rule gave counties only those powers expressly granted by the state government; the new constitution allows self-government powers, which grants all powers except those expressly denied by the state government.

The point of self-government powers is to allow local governments to control events of a local nature. It would provide for the citizens and local officials to assume all responsibility for running their own county government and not leave decisions to others who do not know or understand local problems.

When a local government with self-government powers fails to act upon a specific need, the citizens have only to look to their own local officials.

With self-government powers local governments have wide discretion in areas of finance such as budgeting. Local governments are in a much better position to determine where the funds raised in their communities should be spent.

If self-government powers become a reality in Custer County, the county can become a local government of the people in place of a step-child of state government as it has been for the last 80 years. This means local citizens can have a real voice in government.

Self-government power, however, is not guaranteed to be a remedy for all the problems arising in local government. County government, as all government, is no better than the people who are running it. If responsible citizens are elected and there is citizen participation, then self-government powers can make our county government responsive to the needs of our county.



SO HE SAID, "I DIG, MAN, HOME RULE MEANS DO YOUR OWN THING. GROOVY!"

QUESTION: Why are you proposing this change in county government, and where did you get the authority to do so?

ANSWER: *The local government article of the Montana Constitution which was ratified on June 6, 1972 contained a provision which required each local government unit "to review its structure and submit one alternative form of government to the qualified electors at the next general or special election". The Custer County Study Commission was elected in November of 1974 and since then has been preparing the alternative form of county government.*

QUESTION: Is there anything in this proposed form which gives the county more authority to act without waiting for directives from the state?

ANSWER: *If the voters adopt the proposed charter the county will assume self government powers. What this means is that the county will then be able to do everything except what the state expressly forbids. This will give the county ordinance making authority and will enable the commissioners to act without waiting for the state to tell them they can. We feel that local commissioners will be more cognizant of the needs of the county than the state legislature.*

QUESTION: Will the proposed alternative form cost more than our present form of county government?

ANSWER: *Generally the costs involved in operating any form of government relates more to the demands of the citizens for delivery of services or the current inflation rate than to the specific form of government involved. We have incorporated some changes which we believe will result in savings to the county but until the new form is actually in operation any comparison of costs is pure speculation.*

QUESTION: What will happen to those persons such as the county treasurer whose position will become appointive rather than elective?

ANSWER: *The "grandfather clause" (Section 10.06) of the proposed charter provides that those persons may be continued in county employment and continue to draw the salary of their office until the normal expiration date of their term. After that time it will be up to the county executive and the county commissioners whether or not those persons shall remain employed by the county.*

QUESTION: When will the election take place and what happens if the alternative form fails to gain voter approval?

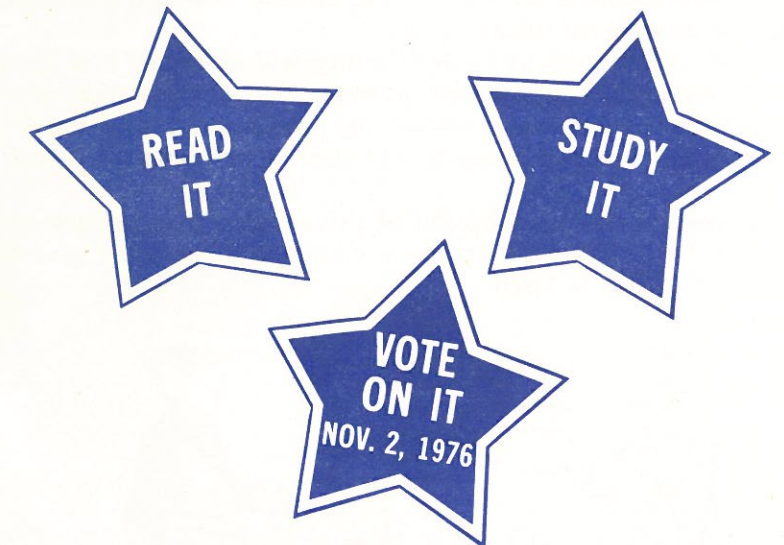
ANSWER: *The election on the alternative form of county government will be on November 2, 1976 at the same time as the general election. If the voters choose to retain the present form of government then things will continue as they now are. Every ten years hereafter the voters of the county will have the opportunity to determine whether or not they wish to establish another study commission which will again review the existing form of county government and propose an alternative form.*

QUESTION: Where can we get more information on this proposed change?

ANSWER: *Feel free to call any of the three study commissioners, (James Graham, Irma Schaefer, Gary Ochsner) at their home phones, or contact the study commission office at 232-6669 if you have ANY questions.*

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70
REVIEW

Custer County Study Commission presents these facts about County Government



It's Up To . . .

YOU!

TO THE CITIZENS OF CUSTER COUNTY:

We, the members of the Custer County Study Commission, elected by you, the voters, November 5, 1974, offer you this final report of our findings for your reading and consideration.

As defined by state law, 16-5104 R.C.M. 1947, it was our responsibility "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 this study it is the responsibility of the study commission to submit an alternate form of government to the qualified voters.

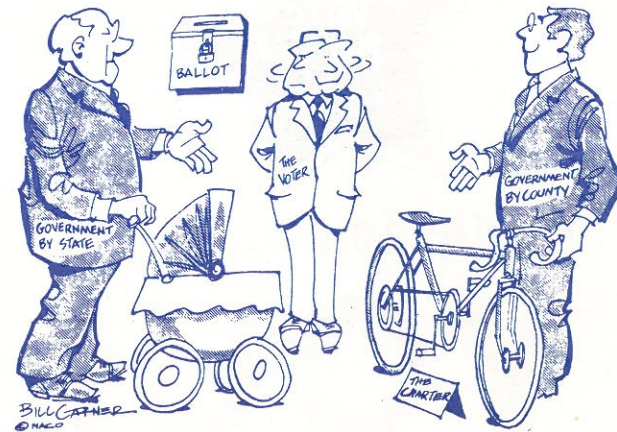
To complete this study we sought the advice and information from as many people as possible by conferring with local government officials, meeting with community organizations, individual citizens, public hearings, newspaper and meeting surveys. We urged people to give us their opinions, ideas, and recommendations. We made ourselves available by our hearings, our open meetings, our weekly office hours, and our personal telephones.

Consequently, we have considered the thoughts and opinions of those who responded. Our recommendations reflect these thoughts and opinions.

Therefore, in this final report we present our recommendations for an alternate form of government which we feel will provide the best governmental services for our county now and is flexible enough to provide for future needs.

We feel the citizens of Custer County will be served best by a charter having self-government powers, five (5) member commission and an executive elected by the people. The sheriff, assessor, and county attorney would also be independently elected.

The question for the adoption of this alternate form of government will be by special election in conjunction with the general election November 2, 1976.



COMPARISON OF SPECIFIC CHARACTERISTICS

Form of Government	COMMISSION FORM Merges legislative, administrative, and executive functions in commission.	COMMISSION-EXECUTIVE FORM Elected commission handles legislative duties. Elected executive assumes administrative/executive functions.	Follows separation of powers principle which is now used in state and federal governments.
Powers	GENERAL GOVERNMENT POWERS State law defines what county government may do and specifically how it shall do it. No power to pass ordinances.	SELF-GOVERNMENT POWERS County government shall exercise any power which the state does not deny. Legislative power vested in the commission.	Self-government powers allow the County Commission to pass legislation specifically designed for Custer County.
Governing Body			
Size	3 Commissioners nominated by district elected at-large.	5 Commissioners, 3 elected in districts in which they reside. 2 elected at-large.	Increase in the size of the commission will allow greater representation. District representation assures the commission viewpoint from all sections of the county. At-large commissioners will offer county-wide perspective.
Election	Partisan	Non-Partisan	May allow greater interest in elections.
Term	6 year overlapping terms	4 year overlapping terms	Shorter terms should cause commission to be more responsive to voters.
Presiding Officer	Chairman — Elected from own members.	Chairman — Elected from own members.	
Duties	Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Commission is the legislative policy-making body.	Frees commission from administration responsibilities to concentrate on policy-making role.
Other Elected Officials	9 separate elected officials: Clerk & Recorder, County Attorney, Sheriff, Treasurer, Assessor, Clerk of Court, Coroner, Superintendent of Schools, Public Administrator.	3 separate elected officials: County Attorney, Sheriff, Assessor.	Eliminates long ballot. Allows for reorganization of administrative departments. Qualifications for offices can be established. Provides for close coordination between departments.
Chief Administrative Officer	None. Administrative responsibilities shared by commissioners, elected officials, and various boards, etc.	COUNTY EXECUTIVE: Elected executive will assume the majority of the administrative responsibilities. Administrative assistant may be hired. (Optional, voters to decide.)	Better overall coordination is possible. Clear lines of authority and responsibility. Administrative assistant would offer professional training to the government.
Appointment Powers	Commission appoints department heads not elected, members of boards, commissions, and special districts.	Executive appoints with approval of commission the non-elected department heads and members of boards. Executive appoints without commission consent temporary advisory committees.	Department heads are appointed on basis of qualifications. Commission retains power of approval.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission.	Executive prepares budget which is subject to commission approval.	Executives can coordinate budget needs and priorities. Commission has right of approval.
Services Delivery Structure	Performed by elected offices and appointed boards, commissioners and special districts.	County activities could be grouped into a few departments on the basis of functions. Services performed by departments under supervision of county executive.	Many functions now performed by independently elected offices or substantially independent boards are brought under supervision of a full-time executive.