



STATE OF MONTANA
DEPARTMENT OF ADMINISTRATION

Memorandum

TED SCHWINDEN
GOVERNOR

RECEIVED

SEP 8 1982

DOA-LOCAL GOVERNMENT SERVICES
HELENA

TO: GEORGE PENDERGAST, Administrator
Local Government Services

FROM: M. VALENCIA LANE, Associate Counsel *VL*
Insurance & Legal Division

DATE: SEPTEMBER 8, 1982

SUBJECT: PETITION TO CHANGE FORM OF GOVERNMENT IN MADISON COUNTY

Enclosed are two copies of a "Petition to Place Alteration of Existing Form of County Government on Ballot" which have been or will be circulated in Madison County.

These copies were filed with the Department of Administration pursuant to Section 7-3-146, MCA by the Tobacco Root Rebellion.

Please let me know if you have any questions.

MVL/cs

cc: Morris L. Brusett

CERTIFICATE ESTABLISHING THE
PROPOSED PLAN OF GOVERNMENT FOR
MADISON COUNTY, MONTANA

If approved by a majority of the voters at a special election to be held subsequent to the circulation of this Petition, the government of Madison County, Montana, shall be organized under Title 7, Chapter 3, Section 401 et seq, Montana Code Annotated. These provisions of the Code establish the following form of government, which shall be called the COMMISSION FORM.

1) The commission form consists of an elected Commission and other elected officers as provided in Part 4, Chapter 3, Title 7 & Section 7-3-111 Montana Code Annotated, and Article XI, Section 3 of the State Constitution. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or resolution 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 size of the Commission shall be three members or Commissioners, and community councils to advise the Commissioners may be authorized by resolution.

b) The Commission shall be elected by any combination of Districts, in which candidates must reside and which are apportioned by population, and at large.

c) Local government elections shall be conducted on a partisan basis as provided in this title.

d) 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 resolution.

e) The Commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

f) Commission members shall be elected for overlapping terms of office.

g) The term of office of the Commissioners shall be six years. Other elected officials shall serve 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) An Assessor shall be elected.

g) A Superintendent of Schools shall be selected as provided by ordinance.

h) A Coroner shall be selected as provided by ordinance.

i) A Public Administrator shall be elected.

j) An Auditor shall not be included in this form as a separate office.

k) A Surveyor shall not be included in this form as a separate office.

The foregoing officers shall have the powers and duties established by ordinance or resolution. After the establishment of any office, the Commission may consolidate, as provided by law, two or more of the offices.

4) The plan of government shall have general government powers.

We, the circulators of this Petition, do hereby certify that this is the Proposed Plan of Government delineated by Section 7-3-401 et seq Montana Code Annotated, and Article XI, Section 4 of the State Constitution. In testimony whereof we have set our hands.

DONE at SHERIDAN, Montana, this 20th

day of AUGUST _____, 1982.

[Handwritten signature]

[Handwritten signature]

NOTARY PUBLIC

Residing at Sheridan, Montana
My Commission expires July 17, 1984