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TO: Judy or/and Ken

MESSAGE: I think this is it —
Loren Tucker has reviewed
it too. Any corrections/
suggestions send to above
Thanks

FROM: Linda Hamilton

DEPARTMENT: Grant Study Cerum

DATE: 2/13

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Madison County Study Commission

Linda Hamilton, Chairman, Virginia City
Ann Hokanson, Norris
Kate Staley, Sheridan
John Allhands, Ex-Officio, Commissioner,
Sheridan

Commissioners:
Ted Coffman, Ennis
Ward Jackson, Harrison

LETTER TO THE CITIZENS OF MADISON COUNTY

To the Citizens of Madison County:

The Madison County Study Commission elected by the voters in November 1994, present this final report to you, the citizens of Madison County.

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 these two phases for 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 county as possible. Opinions and recommendations were solicited from local government officials and citizens. All meetings of the study commission were open to the public. Commission members held community meetings in Harrison, Ennis, Virginia City, Sheridan and Twin Bridges to hear the viewpoints, ideas, and concerns of those present. A telephone survey was conducted to provide information on several points, allowing for further citizen participation.

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 the telephone survey, in addition to the independent efforts of this study commission. Our goal was to look at the requests and suggestions of the citizens, and we strove to do that task without personal bias.

In this final report we present our recommendations for an amended commission form of government that we feel will provide the form of government that will be representative of the needs of the citizens of Madison County. We feel the citizens of Madison County can achieve these goals by adopting the sub-options for the amended commission form of government.

The question of adopting this amended commissioner form of government will be placed on the ballot June 4, 1996.

Respectfully submitted,

Madison County Study Commissioners

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Summary of Recommendations

The Madison County Local Government Study Commission having thoroughly studied our present form of county government and the alternative forms of government under state law recommend the following sub-options to the current commission form, which will be submitted to the voters of Madison County on June 4, 1996:

1. The question of length of terms for county commissioners.
2. The question of election of county commissioners by district.
3. The question of election of all county officials on a non-partisan basis.

Findings of the Study Commission:

The Madison County Local Government Study Commission spent approximately one year researching, holding public hearings, meeting with public officials and conducting a public survey to provide a recommendation on government form to the citizens of Madison County. A thorough comparison of other forms of government to the existing government was conducted by the Study Commission to determine if any other form of government would be more suitable in meeting the changing needs of Madison County.

In April of 1995 the Study Commission contracted with the Local Government Center at Montana State University in Bozeman to provide an opinion survey based on telephone interviews. The telephone survey was conducted during the period of April 24 through May 6, 1995 and resulted in 286 valid responses. This sample size permits a margin of error of approximately 6%. It was the opinion of the Study Commission that these survey results were a reliable and valid expression of the prevailing opinion of Madison County residents.

Those survey results revealed that approximately 65% of those surveyed felt that the county government was doing an adequate job, 19.2 % felt that the county government was doing a good job, and 10.8% felt the county government was doing a poor job. The survey also indicated that 51.7% would make some changes in our current form of government. Those changes listed ranged from financial issues (taxes), government organization (management), planning and zoning to infrastructure (roads). Another question on the survey asked what problem needed the most attention. Those problems that received more than ten responses were: Infrastructure - roads (87); Land Use - better planning and zoning (19) & growth and development (11); Financial - taxes and tax equity (13); Environmental - garbage (17). On the issue of elimination of any office to achieve more efficiency, 67.5% voted no.

Two of the issues that we have chosen to address came to the forefront during the phone survey. Fifty-two percent of those surveyed expressed a desire to have commissioners elected by district, rather than our current elections of commissioners at large. Electing county commissioners by district would provide citizens within a specific voting district, the ability to vote for someone who they are well acquainted with and who would best represent their districts. Elections at

large provide all voters with the chance to elect all the commissioners. Policy and decision making most often effects the entire county, not a limited jurisdictional area.

Districts are required to be apportioned by population. The last record of apportionment is 1986. Our study of this issue (Exhibit "C") indicates a substantial difference between districts one and two. It is the recommendation of the Madison County Government Study Commission that the Madison County Commissioners address the apportionment of these districts to provide as close to equal representation as possible.

Fifty-nine and eight tenths percent (59.8%) of those participating in the survey felt that non-partisan elections would best serve the public's interest. Under this option, all elected officials in Madison County would run without party designation. Few partisan issues exist at the county level.

The Study Commission also looked into the four or six year terms of office for commissioners. Currently 90% of our elected officials run for office in the same year. As an example, for the 1996 election year, only one commissioner would normally be running, with the remaining elected officials running in 1998. As we studied this issue it became apparent that there was nothing we could do to stagger the terms of the majority of the positions until there is a change in the form of government, however if the terms of the commissioners were six years there would be some continuity as newly elected commissioners were put in office. This would allow for at least one member of the commission to have four years of experience in office. The four-year term, as it stands presently, gives voters the opportunity to elect commissioners every two years as well, with two commissioners running every four years in one election and a third commissioner running two years later for a four year term. This allows for shorter terms and more frequent turnover or replacement on the commission.

Special public meetings were held in Ennis, Harrison, Sheridan, Twin Bridges and Virginia City as well as monthly meetings in Virginia City. These public hearings were not well attended. The lack of attendance at these meeting confirmed to the Study Commission that the existing commission form of government was meeting most of the needs of the residents of Madison County. Based on the survey and the additional studies of the Madison County Government Study Commission, three options for change in the current commission form of government are being recommended.

Key Provisions of the Amended Form of Government

1. Six Year Commissioner Terms as authorized by MCA 7-3-416 and 2-3-418

Six year terms would allow voters to elect new commissioners every two years, with only one commissioner running at a time. Though the terms are longer, the six year terms allows for staggering terms and strives to keep continuity in the commission.

2. County Commissioners Elected by District as authorized by MCA 7-4-412:

The traditional election of county commissioners at large has been questioned by the citizens. Electing county commissioners by district, would provide citizens within a specific voting district, the ability to vote for someone who they are well acquainted with and who would best represent their district.

3. Non-partisan Election of Officials as authorized by MCA 7-4-413:

Based on the conclusion of the survey, we recommend the issue of non-partisan elections for all elected officials be placed on the ballot. All elected officials would run for office without political party designation.

Appendix

Exhibit "A"

**Certificate
Plan of Government of the Existing Form
for
Madison County**

If retained by the voters, the government of Madison County shall be organized under the following provisions of 7-3-111 which authorizes the elected official form of government;

7-3-111. Statutory basis for elected county official government. ~~(b)~~ For the purpose of determining the statutory basis of existing units of local government after may 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (l) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(6);
- (p) 7-3-438(6);
- (q) 7-3-439(6);
- (r) 7-3-440(6);
- (s) 7-3-441(1);
- (t) 7-3-442(6);

(2) This form has terms of 4 years for all elected officials. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. 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 those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412(3). **Selection of commission members.** The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413(1). **Type of election.** Local government elections shall be conducted on a partisan basis.

7-3-414(1). **Chairman of the commission.** The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). **Administrative assistants.** The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). **Terms of the commission members.** Commission members shall be elected for overlapping terms of office.

7-3-417(2). **Size of commission and community councils.** The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418(1). **Terms of elected officials.** The term of office of elected officials may not exceed 4 years.

7-3-432(1). **Legal officer.** A legal officer (who may be called the county attorney) shall be elected.

7-3-433(1). **Law enforcement officer.** A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434(10) **Clerk and Recorder.** A clerk and recorder shall be elected.

7-3-435(1). **Clerk of Court.** A Clerk of Court shall be elected.

7-3-436(1). **Treasurer.** A treasurer shall be elected.

7-3-437(6). **Surveyor.** A surveyor shall be elected.

7-3-438(6). **Superintendent of Schools.** A superintendent of schools shall not be included in this form as a separate office.

7-3-439(6). **Assessor.** An assessor shall not be included in this form as a separate office.

7-3-440(6). **Coroner.** A coroner shall not be included in this form as a separate office.

7-3-441(1). **Public administrator.** A public administrator shall be elected.

7-3-442(6). **Auditor.** An auditor shall not be included in this form as a separate office.

We, the Study Commissioners of Madison County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

Seal

In testimony whereof, we set our hands.

Done at Virginia City, this ___ day of _____, 1996.

Attest: _____
Clerk and Recorder
Madison County

LOCAL GOVERNMENT STUDY COMMISSION

Exhibit "B"

Certificate *(amendments to the Existing)*
Establishing the Proposed Plan of Government
for
Madison County

Upon approval of the majority of voters, the government of *County* Madison County shall be organized under the following provisions of 7-3-111 which authorizes the elected official form of government;

as auth. of Sec 2 Sub 2
7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(2);
- (d) 7-3-413(2);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(6);
- (p) 7-3-438(6);
- (q) 7-3-439(6);
- (r) 7-3-440(6);
- (s) 7-3-441(1);
- (t) 7-3-442(6);

except commissioners who are elected to 6-year terms,

(2) This form has terms of 4 years for all elected officials. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. 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 those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412(2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-413(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-414(1). Chairman of the commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417(2). Size of commission and community councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. *The term of office for commissioners authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years, all other elected officials may not exceed 4 years.*

7-3-432(1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433(1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434(1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435(1) Clerk of Court. A Clerk of Court shall be elected.

7-3-436(1). Treasurer. A treasurer shall be elected.

7-3-437(6). Surveyor. A surveyor shall not be included in this form as a separate office.

7-3-438(6). Superintendent of Schools. A superintendent of schools shall not be included in this form as a separate office.

7-3-439(6). Assessor. An assessor shall not be included in this form as a separate office.

7-3-440(6). Coroner. A coroner shall not be included in this form as a separate office.

7-3-441(1). Public administrator. A public administrator shall be elected.

7-3-442(6). Auditor. An auditor shall not be included in this form as a separate office.

We, the Study Commissioners of Madison County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

Seal

In testimony whereof, we set our hands.

Done at Virginia City, this ___ day of _____, 1996.

Attest: _____
Clerk and Recorder
Madison County

LOCAL GOVERNMENT STUDY
COMMISSIONERS

Exhibit "C"

**Certificate
For the Apportionment
of Commissioner Districts**

Districts described by census block with population and deviation from ideal are shown:

District	Ideal Population	1990 Population	% Deviation From Ideal Population
1	1,996	1,792	-10%
2	1,996	2,179	+9%
3	1,996	2,018	+0.01%

Notes:

1. The ideal population is calculated by dividing the total 1990 population of Madison County by the number of County Commission Districts (5989 /3 = 1996). Deviation is determined by subtracting the 1990 population from the ideal population and dividing that sum by 1996 (1996-1792=204/1996= -10%).
2. The 1990 population is derived from the U.S. Bureau of the Census, 1990 Census of Population and Housing, Public Law 94-171 file of Montana.

We, the Study Commission of Madison County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Madison County.

In testimony whereof, we set our hands.

SEAL

Done at Virginia City, this _____ day of _____, 1996.

Attest:

Clerk and Recorder of
Madison County

Local Government Study Commission

Exhibit "D"

**Certificate
Establishing the Date of the Special Election
At Which the Amended Form of Government
Shall be Presented to the Electors of
Madison County**

The amended form of government proposed by the Local Government Study Commission shall be submitted to the voters of Madison County at a special election to be held with the primary election on June 4, 1996.

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

SEAL

In testimony whereof, we set our hands.

Done at Virginia City this ____ day of _____, 1996

Attest: _____
Clerk and Recorder
Madison County

Local Government Study Commissioners

Exhibit "E"

**Certificate
Establishing the Official Ballot for
the June 4, 1996 Special Election**

Instructions to voters: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON THE AMENDED FORM OF LOCAL GOVERNMENT

Each amendment shall stand on its own merit. The affirmative vote of a simple majority of those voting on the question is required. (7-3-149(3)(a)MCA)

PLEASE VOTE ON ALL THREE ISSUES

1.

VOTE FOR ONE

For the adoption of the amendment to the current commission form of government providing for ~~of~~ six year terms for commissioners etc.

For the existing ~~four year terms for commissioners under the current commission~~ form of government with four year terms for commissioners.

2.

VOTE FOR ONE

For the adoption of the ^{amendment} structural sub-option to the current commission form of government of election by districts ^{providing for the election} in which candidates must reside and which are apportioned by population.

For the ^{existing form of govt - with commissioners nominated from districts and} election of commissioners under the current commission form of government ^{electd at large.} elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

3.

VOTE FOR ONE

For the adoption of the ^{amendment} structural sub-option to the current commission form of government in which local government elections shall be on a non-partisan basis. ^{providing for non-}

For election of all officials under the current commission form of government in which local governmental elections shall be on a partisan basis.

For the existing form of government with partisan elections.

We, do hereby certify that this is the official ballot approved by the Study Commissioners of Madison County.

SEAL

In testimony whereof, we set our hands.

Attest: _____
Clerk and Recorder

Local Government Study Commissioners