

Montana's Local Government Voter Review

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MSU Extension Local Government Center

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Montana's Voter Review

- Required to be proposed per the Montana Constitution
- An intentional review and deliberation
- Separate opportunity for each incorporated municipality and county

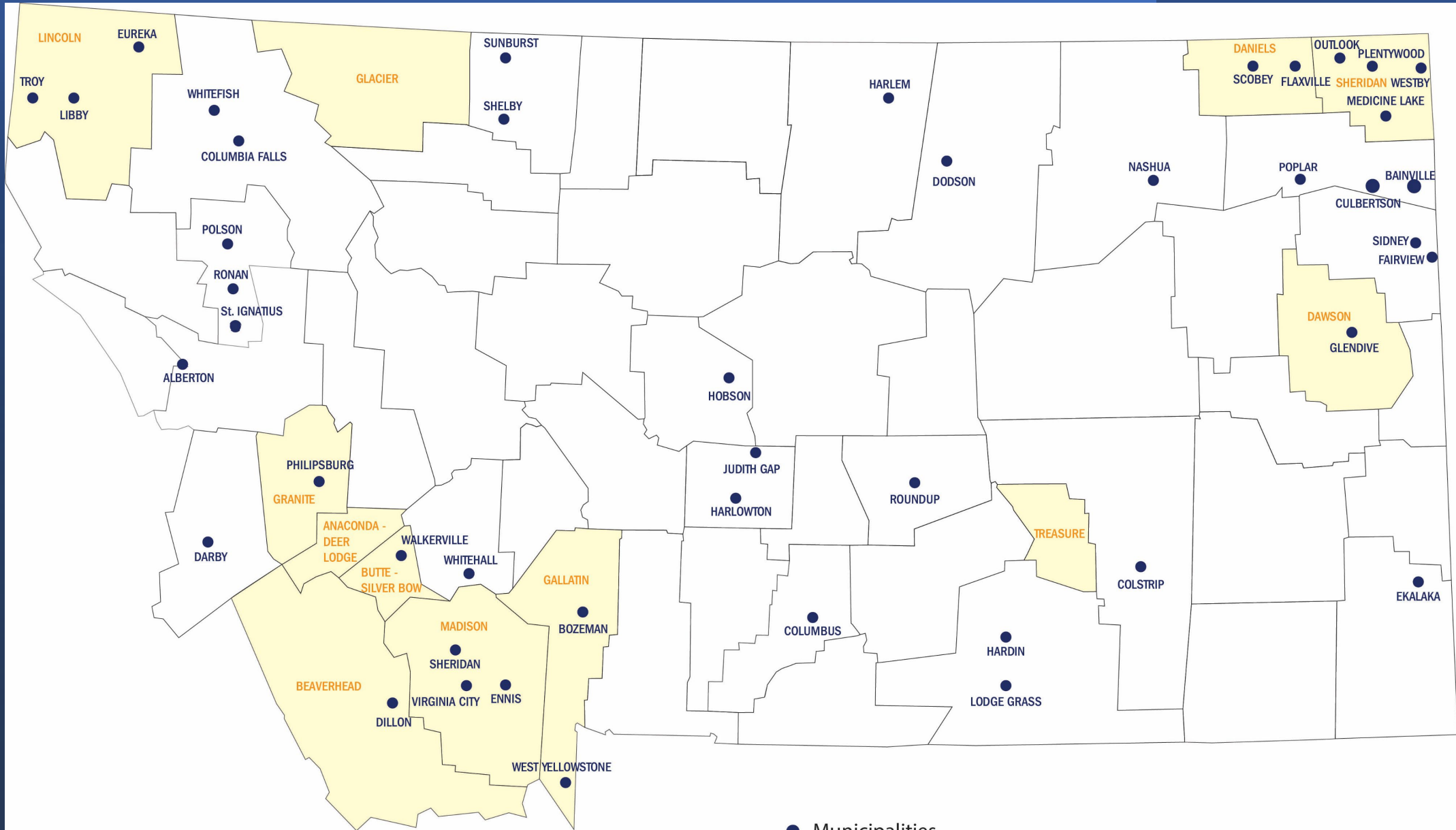
Who is in?

Municipalities:

Alberton	Glendive	Roundup
Bainville	Hardin	Scobey
Bozeman	Harlem	Shelby
Colstrip	Harlowton	Sheridan
Columbia Falls	Hobson	Sidney
Columbus	Judith Gap	St. Ignatius
Culbertson	Libby	Sunburst
Darby	Lodge Grass	Troy
Dillon	Medicine Lake	Virginia City
Dodson	Nashua	West Yellowstone
Ekalaka	Philipsburg	Westby
Ennis	Plentywood	Whitefish
Eureka	Polson	Whitehall
Fairview	Poplar	
Flaxville	Ronan	

Counties:

Anaconda-Deer Lodge
Beaverhead
Butte-Silver Bow
Daniels
Dawson
Gallatin; Glacier
Granite
Lincoln
Madison
Sheridan
Treasure



● Municipalities

■ Counties

Participating in 2024 - 2026 Local Government Review

Regional Study Commission Training

- The **MSU Local Government Center** will provide in-person training:
 - December 5 - Shelby
 - December 10 - Kalispell
 - December 10 - Sydney
 - December 11 – Billings
 - December 12 - Bozeman

What Is the Voter Review?

An opportunity for the citizens to review their local government's:



7-3-172 MCA

Power

General (statutory default)

Self

General Governing Powers

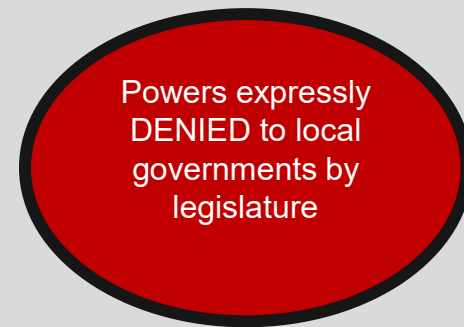
Green circle only

Self-Governing Powers

Anything that is not in the red circle



*Other powers of
local governments*



Form

Commission – Executive (Council – Mayor)

Commission - Manager

Commission

Commission – Presiding Officer

Town Meeting

Charter

Plan



ELECTED OFFICIALS'
TERMS OF OFFICE



SUPERVISORY
AUTHORITY OF STAFF



PARTISAN OR
NONPARTISAN



REPRESENTATIVES BY
DISTRICT/WARD OR AT
LARGE



COMBINED POSITIONS



METHOD OF FILLING
VACANCIES

Self-governing Powers With Charter Form of Government

- Anaconda/Deer Lodge
- Bozeman
- Butte/Silver Bow
- Colstrip
- Darby
- Dillon
- Ennis
- Libby
- Polson
- Sunburst
- Troy
- West Yellowstone
- Whitefish
- Virginia City – Self-governing powers without a Charter

Power

- General
- Self

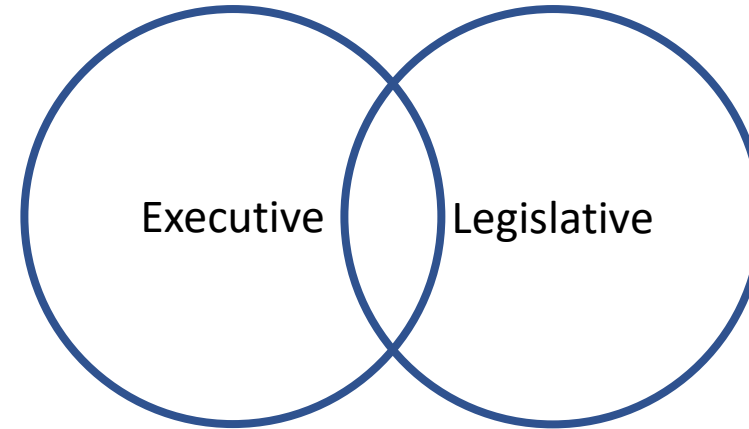
Form

- Commission – Executive (Council – Mayor)
- Commission - Manager
- Elected County Officials Form
- Commission
- Commission – Presiding Officer
- Town Meeting

- Charter

Plan

- Statutory Basis or “Recipe”



Who is in?

Municipalities:

Alberton – Com-Ex	Glendive – Com-Ex	Roundup – Com-Ex
Bainville – Com-Ex	Hardin – Com-Ex	Scobey – Com-Ex
Bozeman – Com-Mgr	Harlem – Com-Ex	Shelby – Com-Ex
Colstrip – Com-Ex	Harlowton – Com-Ex	Sheridan – Com-Ex
Columbia Falls – Com-Mgr	Hobson – Com-Ex	Sidney – Com-Ex
Columbus – Com-Ex	Judith Gap – Com-Ex	St. Ignatius – Com-Ex
Culbertson – Com-Ex	Libby – Com-Ex	Sunburst – Com-Ex
Darby – Com-Ex	Lodge Grass – Com-Ex	Troy – Com-Ex
Dillon – Com-Ex	Medicine Lake – Com-Ex	Virginia City – Com – P.O.
Dodson – Com-Ex	Nashua – Com-Ex	West Yellowstone – Com-Mgr
Ekalaka – Com-Ex	Philipsburg – Com-Ex	Westby – Com-Ex
Ennis – Com-Ex	Plentywood – Com-Ex	Whitefish – Com-Mgr
Eureka – Com-Ex	Polson – Com-Mgr	Whitehall – Com-Ex
Fairview – Com-Ex	Poplar – Com-Ex	
Flaxville – Com-Ex	Ronan – Com-Ex	

Counties:

[Anaconda-Deer Lodge – Com-Ex](#)
Beaverhead - ECOF
[Butte-Silver Bow – Com-Ex](#)
Daniels - ECOF
Dawson - ECOF
Gallatin - ECOF
Glacier - ECOF
Granite - ECOF
Lincoln - ECOF
Madison – Com
Sheridan - ECOF
Treasure – ECOF

ECOF: Elected County Officials Form

2024-2026 Voter Review Timeline



Study Commissions are Public Entities

- MT Constitution Article VI, Section 9
- Montana Code Annotated Title 7, Chapter 3, Part 1
- Study Commissions MUST follow:
 - MT Open Meeting Laws
 - MT Citizen Participation Laws
 - MT Code of Ethics
 - MT Public Records and Records Retention Laws

Study Commission Make-Up

- Live in the jurisdiction
- At least 18 years old
- Not a current elected official of the local government being reviewed
- Shall not be compensated for service. May receive reimbursement for actual expenses

What Does The Study Commission Do?

- Develop a budget and submit to local government for approval
- Review and understand current power, form, and plan of local government
- Hold public hearings, community forums, and meetings to understand current form and function, community needs, and any potential alternatives
- Choose whether to propose an alternative to current structure of government for decision by voters

The Local Government Review is **NOT**:

- A performance review of elected officials, local government staff or members of appointed boards
- A review of local government policies or ordinances
- A review of local government taxes, fees or assessments
- A review of laws regulating the election of local officials
- A review of laws that require or regulate planning or zoning
- An opportunity to direct or require a local government or any officer or employee of a local government to carry out any function or provide any service

Study Commission Organization 7-3-179 MCA

- The first meeting of the study commission is called by the mayor/CEO or presiding officer of the county commission within 10 days after election certification and/or the governing body has appointed vacant seats.
- At the first meeting of the study commission:
 - Elects a temporary presiding officer, who will serve until a permanent presiding officer is selected.

Ex-Officio Member

- Every study commission shall include an ex officio nonvoting member
- Appointed by the governing body
- Selected from:
 - Member of the governing body
 - Elected official
 - Local government employee
- The ex officio member must be appointed prior to the organization of the study commission

Study Commission Powers 7-3-183 MCA

- A study commission may employ staff
- Could hire state, municipal, and county officers and employees
 - At the request of the study commission
 - With the consent of the employing agency
- A study commission may contract with **public agencies** or private
- State agencies, counties, and other local governments shall provide information necessary for carrying out the commission's function
- A study commission may:
 - Establish advisory boards and committees, including on them persons who are not members of the study commission
 - **Retain consultants**

Scope of County Study Commission Recommendations

7-3-185 MCA

- A **county study commission** may:
 - Recommend amendments to the existing plan of government;
 - Recommend any plan of government authorized in 7-3-1XX through 7-3-6XX
 - Draft a charter
 - Recommend municipal-county consolidation or amendments to an existing consolidation
 - In cooperation with a study commission in an adjoining county, recommend county merger
 - Submit no recommendation
- A **county study commission** may recommend service consolidation or transfer in cooperation with a study commission of another county or with a study commission of one or more municipalities.

Scope of Municipal Study Commission Recommendations

7-3-185 MCA

A municipal study commission **may**:

- Recommend amendments to the existing plan of government;
 - Recommend any plan of government authorized in 7-3-1XX through 7-3-6XX
 - Draft a charter
 - Recommend municipal-county consolidation
 - **Recommend disincorporation**
 - Submit no recommendation
- A **municipal study commission may** recommend service consolidation or transfer in cooperation with:
 - A county study commission
 - A county study commission and one or more municipal study commissions; or
 - One or more municipal study commissions

Cooperation of Study Commissions

7-3-180 MCA

- Two or more study commissions with majority vote by each, **may** cooperate in the conduct of their studies
- Cooperative studies do not preclude each study commission from making a separate report and recommendation



An aerial photograph of Atlanta, Georgia, showing a multi-lane highway with traffic, green trees, and several skyscrapers in the background under a blue sky with light clouds. A large, dark blue brushstroke graphic is overlaid on the center of the image, containing white text.

County-Municipal Consolidation or County Merger

County- Municipal Consolidation

7-3-143 MCA

County Merger

7-3-144 MCA

The study commission creates a **Consolidation or County Merger Plan** that includes:

- Adjustment of existing bonded debt and other obligations that assures a **fair** and **equitable** burden of taxation for debt service
 - Provides for service districts;
 - Provides for the transfer or disposition of property and other rights, claims, assets, and franchises
 - Provides the official name of the consolidated municipal-county government
- Does one of the following:
 - Provides for the transfer, reorganization, abolition, adjustment of boundaries, or absorption of all existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments

OR

 - Grants the legislative body of the consolidated government the authority to transfer, reorganize, abolish, adjust boundaries, or absorb existing boards, bureaus, special districts, subordinate service districts, local improvement districts, agencies, and political subdivisions of the consolidated governments
- Excludes school districts and other nonconsolidated municipalities

MT Constitution, Article XI

Section 5. Self-government charters. (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

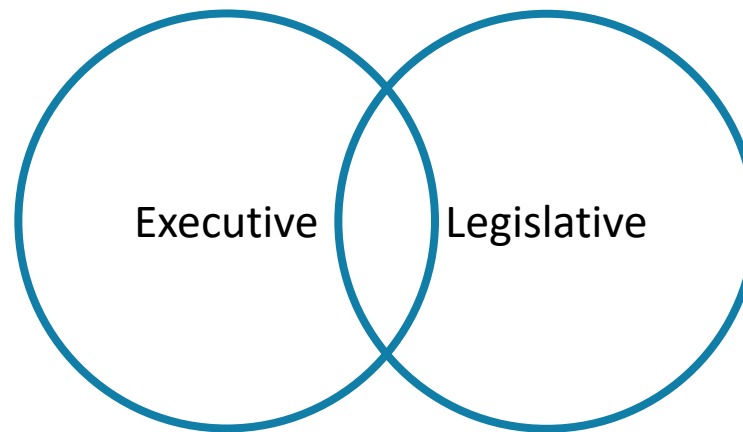
(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

- (a) Initiated by petition in the local government unit or combination of units; or
- (b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

What is contained in a Charter?

- Written Plan of Government
- Defines local government's
 - Powers
 - Structures
 - Duties
 - Limitations



Written Plan of Government

- Montana Charters **must** include:
 - An elected **legislative body**
 - Number of members
 - Terms of office
 - Elections are partisan or non-partisan
 - Districted or at-large
 - Grounds for removal
 - Method of filling vacancies



Written Plan of Government

- Montana Charters **must** include:
 - An elected or appointed **chief-executive or administrative officer or officers**
 - Term of office if elected or at the pleasure of the governing body if appointed
 - Powers and duties of the chief-executive
 - Grounds for removal from office
- Could provide for a plural executive drawn from the legislative body

Written Plan of Government

- A charter **may** specify:
 - Any additional officers, departments, boards, commissions, agencies as desired
 - Any limitations or prohibitions on the governing body's exercise of self-governing powers
 - Other provision as long as they are not contrary to the constitution or law

Written Plan of Government

- A local charter **may not** include:
 - Provisions conflicting with state law establishing prohibitions or limitations on the powers of self-governing units
 - Provisions establishing elections, initiatives or referendum procedures
 - Provisions establishing or modifying local court systems

Written Plan of Government

- Charters may only be amended with voter approval, as required by state law.
- Every charter must adopt **self-governing powers**
- However, every community that has **self-governing powers** does not need to adopt a Charter

The LGC is Here to Help



DIGITAL CONTENT



PRINTED HANDOUTS
AND PUBLICATIONS



EDUCATION AND
FACILITATION SUPPORT

Thank you!

Ashley Kent

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