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SUMMARY OF THE FINAL REPORT
Carbon County Government Study Commission

The full text of the Carbon County Government Study Commission's Final Report to the citizens of Carbon County is available in the hallway of the county courthouse in Red Lodge and at libraries in Bridger, Joliet and Red Lodge.

The full text was published as a supplement to the newspaper March 20, 1986. What follows is only a summary.

LETTER TO CITIZENS OF CARBON COUNTY

Citizens of Carbon County:
 Carbon County Study Commission
 by the voters on November 6, 1984,
 hereafter appointed, present this final
 report to you, the citizens of Carbon County.

The purpose of the study commission, as set forth 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 of the study it is the responsibility of the study commission to submit a final report recommending no change, or recommending an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

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, 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 purpose of the commission and also to hear viewpoints, ideas, and concerns of the citizens. Public hearings were held; a survey of citizens' attitudes was made.

Our recommendations reflect the suggestions 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 independent efforts of the study commission which included attendance at workshops and meetings with other county and study commissions.

This final report contains changes from the preliminary report in response to suggestions expressed by the voters.

Terms of commission members. Since the majority of those surveyed and participating in hearings favored 4-year terms for commissioners, the option was removed and the term was set at 4 years in the proposed self-government charter. The study commission favored 4-year terms for commissioners. Commissioners are more responsive to the citizens as re-election draws nearer.

County Administrator. The county administrator option was confusing to most voters. The option was removed. In the final report a county administrator is hired if the proposed self-government charter is approved. The Study Commission totally supports the appointment of county administrator. There is too much government to run and too much money spent every year to operate without an administrator.

Qualifications of county administrator. Many persons felt that an exceptionally qualified applicant without a four-year college degree should be permitted. The qualifications for a four-year degree were removed for an otherwise exceptionally well qualified applicant with at least 10 years of possible administrative and personnel supervision experience, upon unanimous consent of the commission.

Transition Plan. A transition plan was added as Article XI of the proposed self-government charter.

Report Print. The report print was changed for easier reading.

In this report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people in today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and give them the opportunity for solving local problems. We feel the citizens of Carbon County can achieve these goals by adopting the alternative form of government.

We recommend the self-government form of government with as few changes as possible. Implementing the self-government to the citizens and the study commission will be needed. It is the hope of the city of Bridger that the city of Bridger successfully with a charter for the last ten years.

A charter as such is neither good nor bad. It provides the opportunity to tailor a local form of government to local needs and concerns. The proposed charter has been reviewed by the office of the county attorney. It is the opinion of the office of county attorney that the proposed charter conforms to the Montana constitution and to state law.

VOTING FOR THE PROPOSED FORM OF GOVERNMENT WILL NOT INCREASE TAXES. The legal limit set by law for the county general fund mill levy is 25 mills. Article IX of the proposed self-government charter states: "MILL LEVY LIMITS ESTABLISHED BY STATE LAW DO APPLY." The county commissioners are limited to mill levy limits set by state law. We are firmly convinced that the salary and expenses of the office of county administrator can be and will be offset immediately by reducing costs in other areas of county general government. There should be a reduction in lawsuits against the county and county government service and efficiency will be improved without increased cost.

The Study Commission expresses sincere appreciation to all of the citizens and employees of Carbon County who contributed their time and knowledge to the review process. We feel the proposed self-government charter form of government represents the desires of the majority of our citizens and is the best for Carbon County.

We urge your support.

Respectfully submitted,
 Ernest C. Strum
 Shirley Laber
 Robert Pitcher

Carbon County Study Commissioners

CARBON COUNTY GOVERNMENT STUDY COMMISSION PRELIMINARY REPORT SUMMARY OF CHANGES

Adoption of the alternative self government charter will effect the changes listed below.

1. There is a separation of legislative from executive and administrative powers and duties.

2. The term of office of appointed county commissioners will be 4 years.

3. The office of county administrator is created with the following administrative responsibilities:

- a) Personnel administration
- b) Properties management
- c) Purchasing and contracting
- d) Budget preparation and review
- e) Accounting & data processing supervision
- f) Long range capital budgeting.

Procedures for performing the above functions are subject to the approval of the county commissioners and major decisions have to be approved by elected officials or the county commissioners.

4. The voters are given the option of allowing the county attorney to remain part-time or requiring the county attorney to be full-time.

5. Two technical corrections to acknowledge existing policy.

a) elimination of the elected office of county surveyor (duties to be performed by contract)

b) elimination of the elected office of public administrator. (duties to be performed by the County Attorney)

FULL-TIME VS PART-TIME COUNTY ATTORNEY

Under the alternative form of county government, the voters are given the choice of selecting a full-time county attorney who does not engage in the private practice of law or of allowing the county attorney to be part-time and to engage in the private practice of law.

Arguments for a full-time county attorney include:

- 1) Faster response to county officials
- 2) Nearly eliminates conflict of interest problems, thus providing potential savings.
- 3) Permits specialization in county and criminal law.

Arguments for a part-time county attorney include:

1) Has more autonomy or independence. Is not as much influenced by the county commission.

2) A more experienced and better qualified attorney may be willing to work part-time for the county but would not run for full-time office.

3) Each part-time attorney can have a separate area of specialty. The three part-time attorneys would collectively bring more expertise to the county than would one full-time attorney.

CAN CARBON COUNTY AFFORD A COUNTY ADMINISTRATOR?

The real question to be answered by the voters is "Can Carbon County afford not to have cost effective administration?" and, given the history of county government without an administrator, can we afford not to have one? A primary function of the county administrator would be to promote efficiency in government. He should be able to recommend areas for direct cost savings to the county commission. Some areas of savings may be: consolidation of city-county services, central purchasing procedures, sharing of city-county computer facilities, shared accounting personnel, consolidation of offices, accountability of supplies and equipment, uniform personnel policies and many others.

County insurance is increasing dramatically in cost and some forms of insurance are becoming difficult and in some cases impossible to obtain. The county is presently very litigious, and the more litigious the county becomes, the more difficult and expensive it will be to obtain insurance. Good administration can reduce the likelihood of litigation and of increased insurance costs.

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Carbon County government is big business. The general fund budget for this fiscal year is \$1,252,260. The total budget for all funds is \$3,073,629. The commissioners are responsible for no fewer than 36 different departments and services.

A good administrator would reduce lawsuits against the county and the legal costs to defend the lawsuits. Carbon County added a third part-time attorney this year. This was partly due to increased litigation against the county.

The potential savings from lawsuits and legal costs, from consolidated services, from sharing of facilities and personnel and from improved working relations with all employee groups will more than offset the cost of an administrator.

A professional administrator hired by the commission "on the basis of merit only" is responsible for the administration of the programs and policies determined or approved by the commission. Subject to the commission's general direction, the administrator handles personnel matters, coordinates the administration and budget preparation of all departments and is in charge of the business affairs of county government. The administrator serves at the pleasure of the commission. Thus the ultimate authority lies with the elected officials who can rely on the administrator for professional advice and for the day-to-day conduct of county business.

| Comparison of Existing Form and Proposed Form of Government | |
|---|---|
| Present Form of Government | Proposed Form of Government |
| Mill Levy Limits: Set by state law. | NO CHANGE |
| Commission form. Merges legislative, administrative and executive functions in commission. | Form: * Charter form. Separates legislative from executive and administrative powers. Retains commission. |
| General government. May exercise only specific powers and functions authorized by state law. | Powers: * Self government powers are elected and then are limited to the self government powers expressed in the charter. |
| Three full-time commissioners nominated by district and elected at large. | Size of Commission: NO CHANGE |
| Partisan. | Elections: NO CHANGE |
| Six years. | Terms of Commissioners: * Four years. |
| Chairman. Elected by commissioners from among their own number for a term established by ordinance. | Presiding Officer: NO CHANGE |
| Reside in the commission. | Legislative Powers & Duties: NO CHANGE |
| Reside in the commission. | Executive & Administrative Powers & Duties: * Reside in the county administrator who is appointed by the commission. |
| Set by state law. | Commissioners' Salaries: NO CHANGE |
| Set by state law. | Salaries of Other Elected Officials: NO CHANGE |
| County attorney, sheriff, coroner, clerk of district court, assessor, treasurer, superintendent of schools, clerk and recorder, public administrator, surveyor. | Elected Officers: * Public administrator and surveyor were deleted. |
| May be either part-time or full-time. The commission cannot require the county attorney to be full-time without his consent. | Powers & Duties of County Administrator: * Personnel administration, properties management, purchasing and contracting, budget preparation and review, accounting and data processing supervision, and long range capital budgeting. |
| | County Attorney: * Voters are given the option of requiring a full-time attorney or permitting the county attorney to be part-time (sub-option). |

* INDICATES A CHANGE