

RECEIVED
AUG 15 1986
HELENA LOCAL GOVERNMENT SERVICES

To the Citizens of Miles City:

At your request, the Miles City Study Commission was reviewed the existing government of Miles City, and studied the other forms of government available under state law.

Over the past year and a half, we have sought the citizens' advice and information from those people currently in city government as well as former city officials and study commissioners; scheduled public hearings to obtain input from Miles City residents; and conducted a telephone survey to identify any additional concerns of Miles City citizens.

Based upon our study and review, we offer our Final Report and recommend the City of Miles City adopt the Council-Manager form of government. Our concern has been to offer a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. This form of government offers the citizens a full-time administrator. Our Opinion Survey indicated that a clear majority, 61.6% of Miles City residents contacted, supported the concept of full-time, professional administration of city government affairs. We believe this form of government will provide the most efficient, effective and economic delivery of services to the citizens of Miles City. (See page 5 for more detailed information on the proposed Council-Manager form of government.) Since our proposal recommends a five-member council, please refer to the map on pages 8 and 9 to review the proposed commissioners districts. In addition, we offer the citizens of Miles City a choice of partisan or non-partisan local government elections. A copy of the official ballot appears on page 11.

We believe the citizens of Miles City now have a choice to determine the future form of local government which we believe offers the best opportunity for effective delivery of services.

Respectfully submitted,

John R. Tooke
John R. Tooke, Chairman

Ronald E. Gersack
Ronald E. Gersack

Janet R. Kelly
Janet R. Kelly

Martin E. Lawrenz
Martin E. Lawrenz

Edith Botnen
Edith Botnen

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
MILES CITY, MONTANA

Upon approval of the majority of voters the government of Miles City shall be organized under the following provisions of Title 7, Chapter 3, Part 3, M.C.A.

7-3-301;
7-3-302(1);
7-3-303;
7-3-304;
7-3-305;
7-3-312(1);
7-3-313(2);
7-3-314(1) or (2);
7-3-315(1);
7-3-316(2);
7-3-317(2);
7-3-318

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

7-3-301. Commission-manager form. The commission manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by a commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance or resolution.

7-3-302. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;

(9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

(10) report to the commission as the commission may require;

(11) attend commission meetings and may take part in the discussion, but he may not vote;

(12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

(13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;

(14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government.

(1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

7-3-312. Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the chairman with the consent of the commission.

7-3-313. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-314. Type of election. Local government elections shall be conducted on a (1) partisan or (2) nonpartisan basis. To be determined as a suboptimal choice by the voters.

7-3-315. Chairman of 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.

7-3-316. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317. Size of commission and community councils; The size of the commission shall be five (5), and community councils to advise commissioners may be authorized by ordinance.

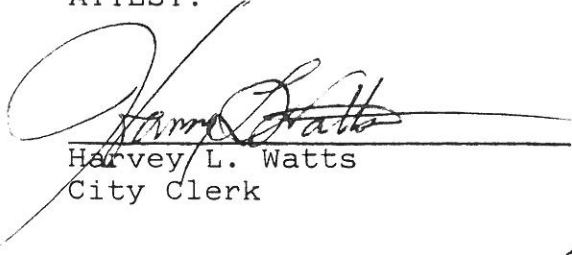
7-3-318. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of Miles City, Montana, do hereby certify that this is the proposed plan of government as established by Section 7-3-114 M.C.A.

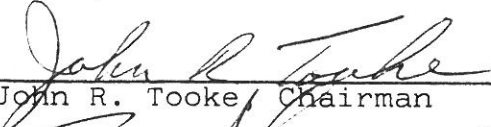
In testimony whereof, we set our hands.

ATTEST:

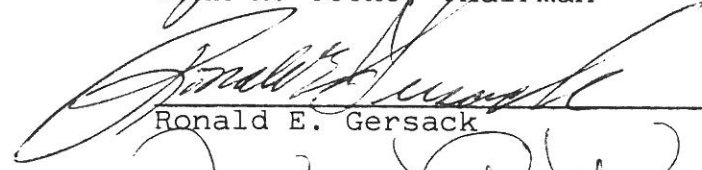
Done at Miles City this 20th day of
August, 1986.



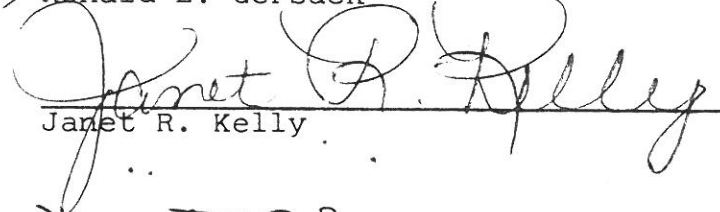
Harvey L. Watts
City Clerk




John R. Tooke, Chairman



Ronald E. Gersack



Janet R. Kelly



Martin E. Lawrence



Edith Botnen

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR

MILES CITY, MONTANA

If retained by the voters, the government of Miles City shall be organized under the following provisions of Section 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(2);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2);

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

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

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;

(6) report to the commission on the affairs and financial condition of the local government;

(7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

(8) report to the commission as the commission may require;

(9) attend commission meetings and may take part in discussions;

(10) execute the budget adopted by the commission;

(11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220. Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. Presiding officer of commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

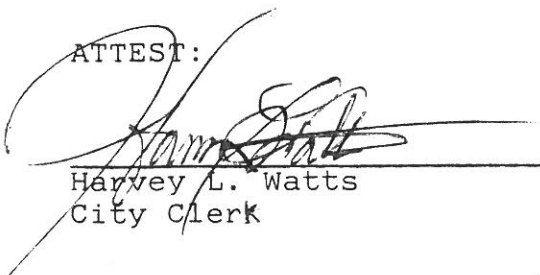
7-3-223. Size of commission and community councils. The size of the commission shall be eight (8), and community councils to advise commissioners

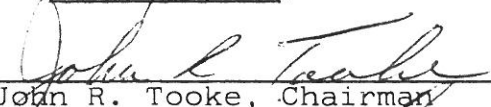
We, the Study Commissioners of Miles City, Montana, do hereby certify that this is the existing plan of government as established by Section 7-3-114 M.C.A.

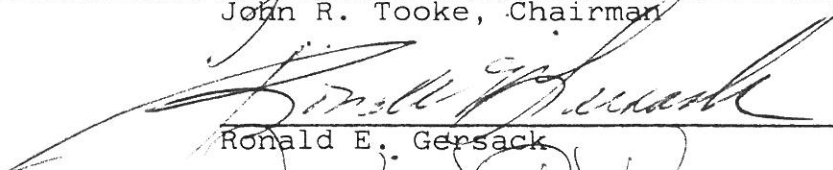
In testimony whereof, we set our hands.

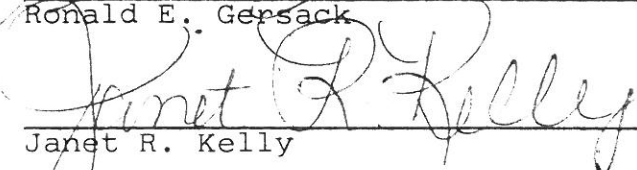
Done at Miles City this 20th day of August, 1986.

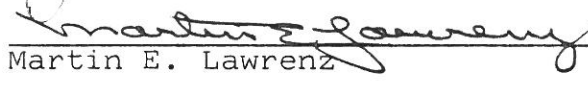
ATTEST:



Harvey L. Watts
City Clerk


John R. Tooke, Chairman


Ronald E. Gensack


Janet R. Kelly


Martin E. Lawrenz


Edith Botnen

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT
FOR THE NOVEMBER 4, 1986, SPECIAL ELECTION

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

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON BOTH ISSUES

1.

VOTE FOR ONE

- For adoption of the commission-manager form of government proposed in the report of the Miles City Local Government Study Commission.

 - For the existing mayor-council form of government.
-
-

2.

VOTE FOR ONE

Sub-option to be included in the new form of government if it is adopted.

Local government elections:

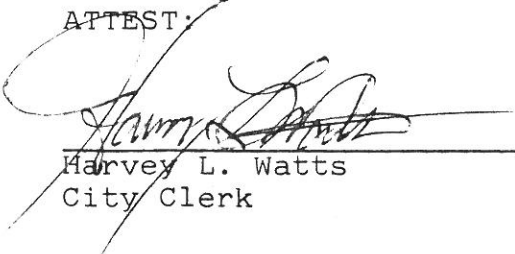
- Shall be conducted on a partisan basis.
- Shall be conducted on a non-partisan basis.

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

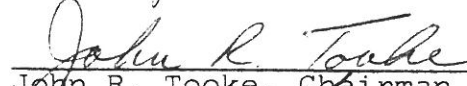
In testimony whereof, we set our hands.

Done at Miles City this 20th day of August, 1986.

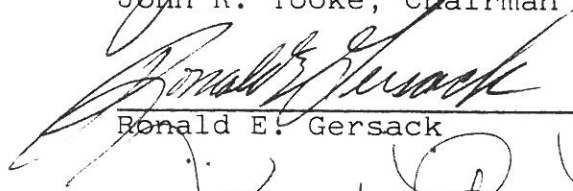
ATTEST:



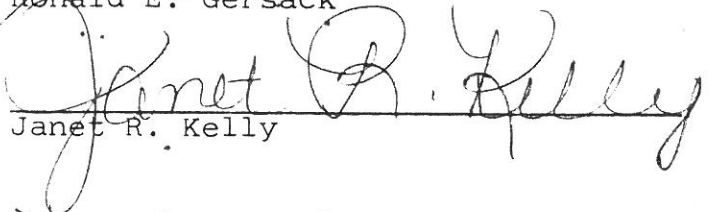
Harvey L. Watts
City Clerk



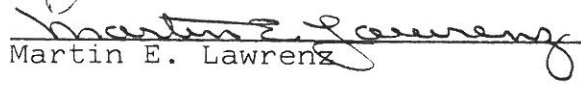
John R. Tooke, Chairman



Ronald E. Gersack



Janet R. Kelly



Martin E. Lawrenz



Edith Botnen

TRANSITION PLAN

If the proposed commission-manager form of government is adopted by the voters of Miles City, elections to fill the five commission positions will be scheduled at the time of the next regularly scheduled city election. The primary election will be September 17, 1987, the general election is November 3, 1987. The elected commissioners will draw lots to determine the length of their first terms. Two will serve two year terms, three will serve four year terms ensuring an overlapping sequence of terms of office. The commissioners will take office the first Monday in January, (January 4, 1988), which is also the effective date for the new form of government. The commissioners are responsible for hiring the city manager who will administer the city, and will do so as soon as is practicable after they are elected.

CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census division (D.D.C.) and enumeration district (E.D.), with population and deviation from ideal are shown.

District 1

List enumeration districts
Population 1866 Deviation -2.8%

District 2

List enumeration districts
Population 2021 Deviation +5.3%

District 3

List enumeration districts
Population 1911 Deviation -0.5%

District 4

List enumeration districts
Population 1841 Deviation -4.1%

District 5

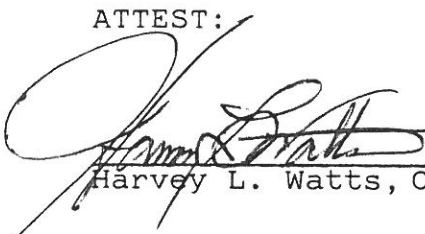
List enumeration districts
Population 1963 Deviation +2.2%

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


In testimony whereof, we set our hands.

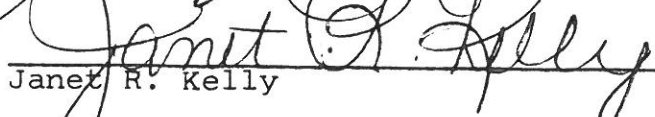
ATTEST:


Done at Miles City this 20th day of August, 1986.


Harvey L. Watts, City Clerk


John B. Tooke, Chairman

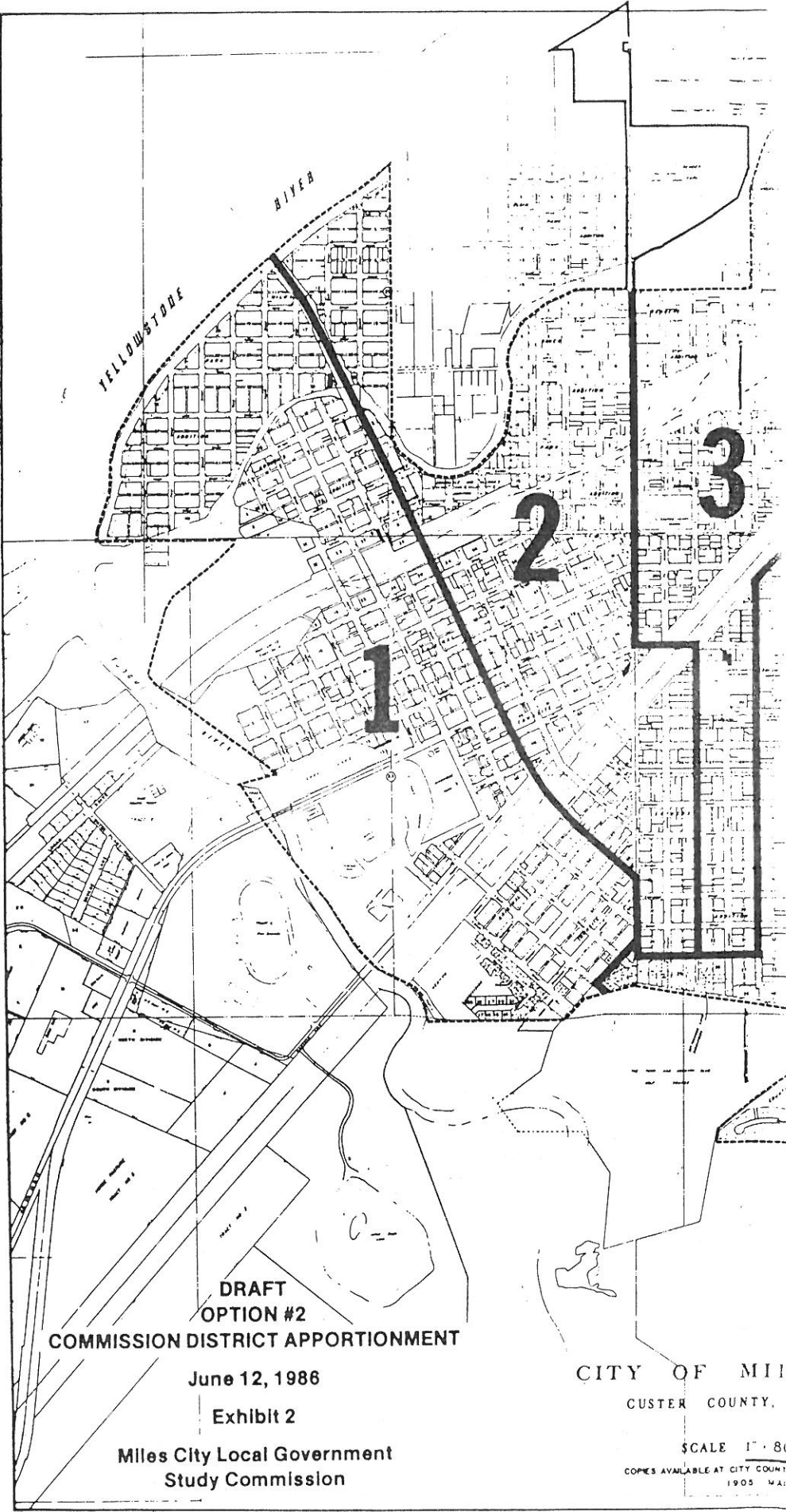

Ronald E. Gersack


Janet R. Kelly


Martin E. Lawrenz


Edith Botnen

PROPOSED COUNCIL DISTRICTS



DRAFT
OPTION #2
COMMISSION DISTRICT APPORTIONMENT

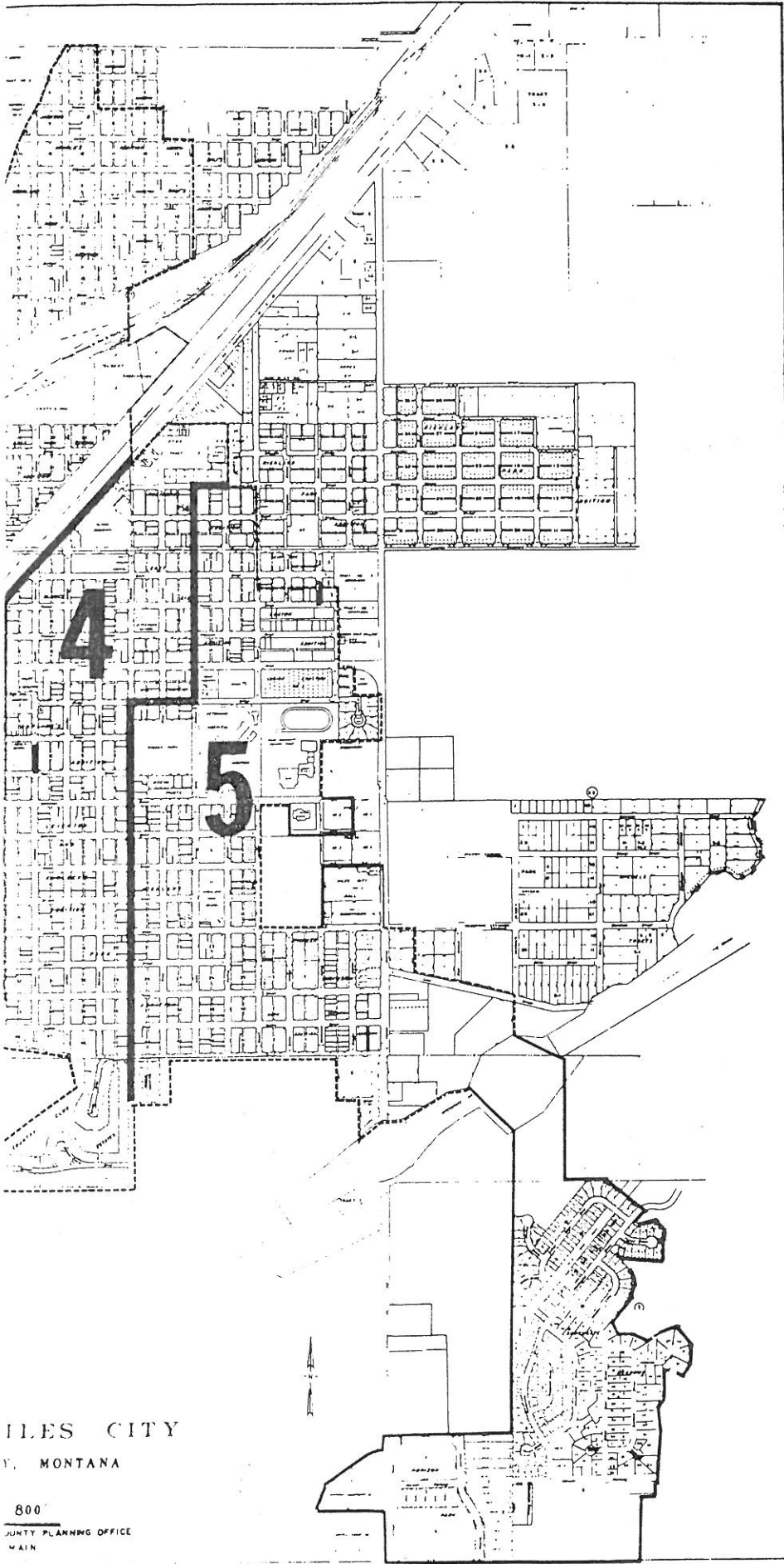
June 12, 1986

Exhibit 2

Miles City Local Government
Study Commission

CITY OF MILES
CUSTER COUNTY.

SCALE 1" = 80'
COPIES AVAILABLE AT CITY COUNTY
1905 MAIN



PUBLIC MEETING

Wednesday, July 9th

7:30 P.M.

Riverside Park

MILES CITY
MONTANA

800
COUNTY PLANNING OFFICE
M.A.I.N.

CERTIFICATE

ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF MILES CITY, MONTANA

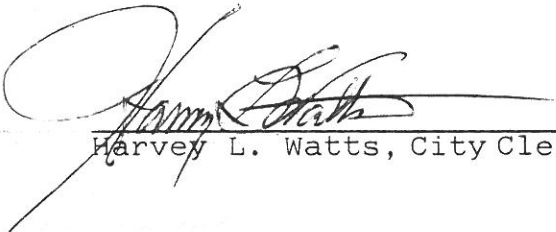
The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Miles City at a special election to be held with the general election on November 4, 1986.

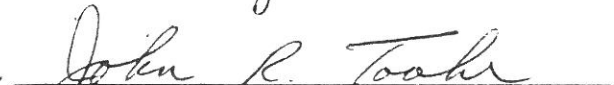
We, the Study Commissioners of Miles City do hereby certify that this is the date of the special election approved by the Study Commissioners of Miles City.

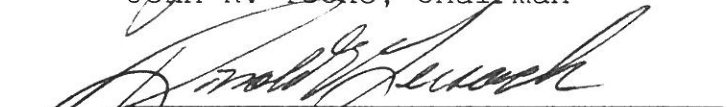
In testimony whereof, we set our hands.

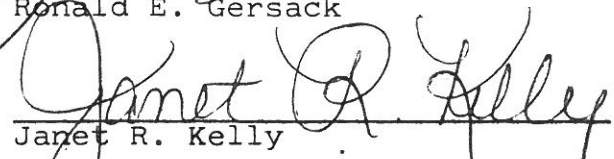
ATTEST:

Done at Miles City this 20th
day of August, 1986.



Harvey L. Watts, City Clerk


John R. Tooke, Chairman


Ronald E. Gersack


Janet R. Kelly


Martin E. Lawrenz


Edith Botnen

CERTIFICATE

ESTABLISHING THE DATES OF
THE FIRST PRIMARY AND GENERAL ELECTIONS
OF MILES CITY
IF THE ALTERNATIVE PROPOSAL IS APPROVED
AND ESTABLISHING THE EFFECTIVE DATE
OF THE PROPOSAL IF APPROVED

The date of the primary election for officers of the new government of Miles City shall be held at a special election on September 17, 1987.

The date of the general election for officers of the new government of Miles City shall be held at a special election on November 3, 1987.

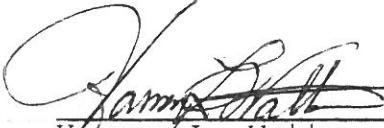
The effective date of the alternative plan of local government of Miles City takes effect when the new officers take office at 10 a.m. (60 days after the election of new officers).

We, the Study Commissioners of Miles City do hereby certify that these are the dates of the special primary and general elections and the effective date of the alternative plan of local government of Miles City approved by the Study Commissioners of Miles City.

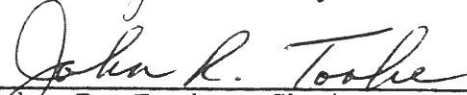
In testimony whereof, we set our hands.

ATTEST:

Done at Miles City this 30th day
of August, 1986.



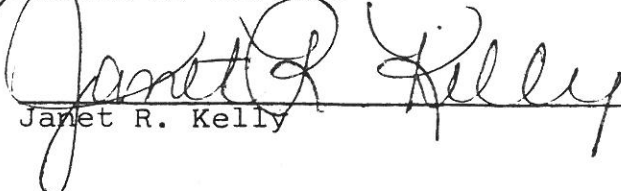
Harvey L. Watts
City Clerk



John R. Tooke, Chairman



Ronald E. Gersack



Janet R. Kelly



Martin E. Lawrenz



Edith Botnen