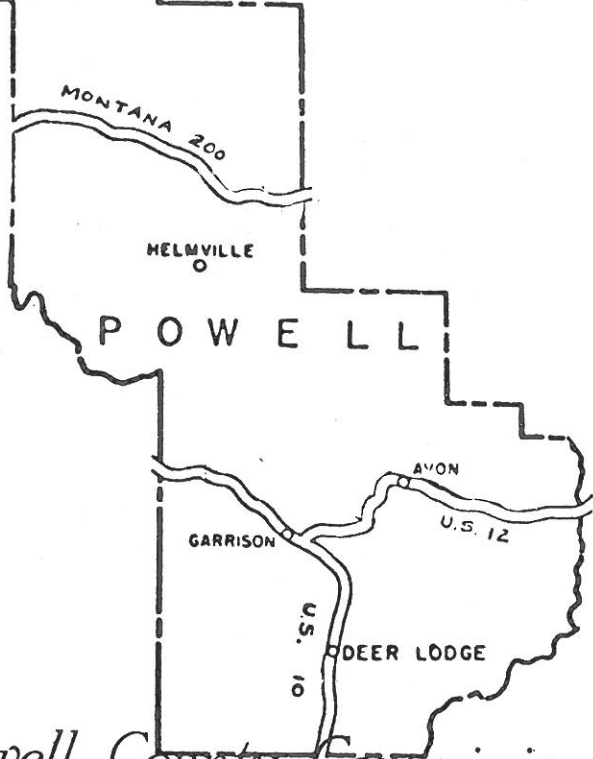


VOTER 70 TO REVIEW



*Powell County Commission
On Local Government*

Powell County Commission

On Local Government

Powell County Courthouse
DEER LODGE, MT 59722

COMMISSION MEMBERS

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Dear Voter,

Did you know we have been working for you? Did you know we have already completed many months of study? Did you know we are about ready to make decisions and recommendations?

This booklet has been prepared to inform you on some of the things we have learned about our present form of county government. It is not a complete survey of each office of the county but rather a summary of what we have heard in personal interviews and from our own research.

It is our hope the information herein would spur your interest and participation in our future deliberations. We want to know what changes you would like to have in local county government, or if you feel all is well.

As we are directed by law to offer an alternative form of government to the voter in 1976 we need to know what you feel would better our county. Without your participation and interest you will be the loser; the ballot will be meaningless to you; your tax dollars and our efforts will have been wasted.

Please help us. We meet the first and third Mondays of the month (excepting Holidays) in the courthouse at 7:30 p.m. All of our meetings are open to the public and you are invited to attend. Our records of proceedings and expenditures are available for inspection during regular courthouse hours, or at the meetings.

How shall we decide for you -- or don't you care about your county government?

Sincerely,



Dorothy Terry Mannix

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners has jurisdiction and power under limitations and restrictions as are prescribed by laws to supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county. All actions of the county commissioners must be justified by reference to the provisions of law defining and limiting these powers. If there is no law against an action the Board may use its own discretion.

County Commissioners have jurisdiction and power within limits and restrictions to do the following:

- (a) Division of county into townships, school, road and other districts.
- (b) Lay out, maintain, control, and manage county roads, ferries and bridges within the county.
- (c) Levy taxes.
- (d) Enter into agreements adjusted annual contributions over not more than six (6) years toward cost of joint construction with adjacent counties or the state or United States.
- (e) Allow cities to use county road equipment if incorporated and less than 4,000 population.
- (f) Provide suitable rooms for county purposes.
- (g) Obtain property for the county and the right to sell property that is obtained that is not necessary to the county.
- (h) Examinations and allow the accounts of all county officers having the care, management, collection or disbursement of county funds.
- (i) To represent the county, county property and management of the businesses and concerns of the county.
- (j) To prepare and file with the county clerk and recorder an annual inventory covering all county tools, machinery and equipment.
- (k) To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient.
- (l) Lease of county property for hospital purposes, boarding house or nursing home for the aged.

The County Clerk and Recorder serves as secretary for the Board of Commissioners 5 days of the month.

- 1) The first day (the first Monday of each month) do all pay transactions on salaries set by the state or previously negotiated by the Board.
- 2) Second day is for additional payments (not salaries) and then the Board has appointments.
- 3) Third day is for the tail-end of payments, taxes due, PERS, insurance, Commissioner's salaries, teacher's retirement, etc. Industrial accounts are posted every month but paid quarterly.
- 4) Fourth day the Board holds a closed meeting on welfare; handles appointments and from noon till 2:30 or 3 p.m. sits as the Hospital Board: more appointments after that time allowing.
- 5) The fifth day is in mid-month and usually used for appointments by the Board.

Appointed and elective boards of the county under the county Commissioners:

Elective:

High School Board

Appointed Boards:

Weed Control:

5 members (3 county & 2 city) pay: \$10 per meeting & mileage about once a month. Ralph Beck: Supervisor, elected by board

Civil Defense:

Headed by County Commissioner; Earl Wahl, Chief, and all members appointed. Granville Stuart School is the bomb proof center, Budget: 5 mills

Airport:

6 members (3 city & 3 county) pay: \$10 per meeting & mileage, Budget: Matching funds City and County bills paid by Airport Board and City

Fair:

8 members (6 Powell County, 1 Granite County, 1 Deer Lodge County) serve free, Secretary & Caretaker salaried

Refuse District:

6 members headed by Herman Smets, Land fill dump, contract out disposal

Veterans Burial:

1 supervisor of veterans records for benefits. No pay

County Planning Board:

7 members, mileage paid

City Planning & County Planning Board:

9 members

Soil & Water Conservation:

Levied funded, self operating

Fire Districts:

Levied funds without limit, local election & management

Counsel on Aging:

1 salaried. County nurse and others funded by grant

Junk Car:

County gets \$1.00 per car. Hires one salaried man

Baseball:

Grant of \$3,000

Tri-County Sanitation:

John D. Peterson, Anaconda, only member

Discussed:

Possibility of City & County Library; Manager type county government versus 3 member board type

County Commissioners review all budget proposals and reduce or increase each budget. Total county budget is available at the county Clerk & Recorder's office.

ASSESSOR

Assessor must require from each person a statement under oath setting forth specifically all real and personal property owned by such person or in his possession or under his control at 12:00 M. on the 1st. Monday in March.

Every Assessor has the general powers:

- 1) To require any person found within such assessor's county to make and subscribe an affidavit, giving his name and place of residence and post office address.
- 2) To subpoena and examine any person in relation to any statement furnished him.
- 3) Make estimate of property value if owner refuses to make statement and enter the refusal and value of property in the assessment book.
- 4) To assess property of absent owners if known in his name or if unknown assessed to unknown owners and enter same.
- 5) Assessor to collect farm statistics to be delivered to commissioner of agriculture.
- 6) Must prepare an assessment book with appropriate headings, alphabetically arranged of all property within the county.

Budget:

Salaries-cost of labor=\$17,500.

Maintenance =\$ 4,487.

The assessor's office is under the State Department of Revenue.

COUNTY ATTORNEY

The County Attorney:

(Probably the most misunderstood office at the county level. Many people think he is a public attorney and come to him with personal problems such as husband-wife arguments, noisy neighbors or youngsters trampling a garden).

- 1) Works closely with the Sheriff:
 - a) Usually makes the decision, after consulting with the sheriff, to proceed or not in criminal cases.
 - b) Files charges against and prosecutes persons suspected of committing crimes.
 - 1) Not often involved with Fish and Game cases.
 - 2) Frequently involved in Highway Patrol cases, most common being DWI.
- 2) Attends all court proceedings.
- 3) Is a state as well as a county officer and receives half of his salary from each government.
 - a) In Powell County his total salary is \$8180.
 - 1) Salary is based on the class of county, which is based on the population.

- 2) When salaries were established it was thought the Powell County attorney would spend about 25% of his time on county business.
- 3) Due to the increase in the past few years of county boards, special districts and other activities of county government, the attorney's time spent on county business has increased to about 75%.
 - b) The state attorney general may supervise certain activities of the county attorney.
 - c) The attorney general may direct the county attorney to institute court action.
- 4) Works closely with the city attorney.
 - a) Acts as advisor to the city attorney.
 - b) Is the only access of a legal opinion from the state attorney general.
- 5) Is the legal advisor to the Board of County Commissioners.
 - a) The county attorney is directed to give legal opinions to county, district and township officers when requested.
 - b) He is the attorney for numerous districts: schools, cemetery, unincorporated community fire protection, etc. .
- 6) May request the coroner to conduct an inquest in the case of a questionable death, and assists the coroner in the inquest proceedings.
- 7) Is specifically authorized by state law to act in certain areas:
 - a) To take action to abate unsafe reservoirs.
 - b) To halt violators of public health laws.
 - c) To sue to recover county money that is illegally used.

CLERK OF THE DISTRICT COURT

The duties of the Clerk of the district court are to take charge of and safely keep, or dispose of according to law, all books, paper, and records which may be filed or deposited in the office.

- 1) Act as clerk of the district court, and attend each term or session thereof, and upon the judges at chambers when required.
- 2) Issue all process and notices required to be issued; enter all orders, judgments, and decrees proper to be entered; keep in each court a register of action.
- 3) Keep for district court an index of all suits.
- 4) Keep a minute book of daily proceedings of court.
- 5) Keep a book called "Record of probate proceedings" (cases in process).
- 6) Keep a book called "Probate record book" recording all wills, bonds, letters of administration, letters testamentary.
- 7) Keep a book of persons declaring intention to become citizens of the United States and one with persons who have been or maybe hereafter admitted citizen by the courts.

- 8) **Keep a book called "Register of criminal actions".**
- 9) **Keep a register of probate and guardianship proceedings.**
- 10) **Index book of persons sent to the insane asylum.**
- 11) **Fee book with record of all fees received for services rendered as such clerk.**
- 12) **Juror's Book certificates with blank certificates and stubs to be filled. (Check Book).**
- 13) **Witness Book with blank certificates and stubs to be filled. (Check Book).**
- 14) **Keep a record of the attendance of all jurors and witnesses in criminal actions, and compute the mileage of each.**
- 15) **Issue marriage licenses; file certificate of marriages for the preceding month to the state registrar before the 16th of each month.**
- 16) **Before the 16th of each month shall prepare and forward to the state registrar a certificate of each divorce, annulment, and adoption that became final during the preceding month.**
- 17) **May issue passports.**
- 18) **Keep an Index and Register of all Juvenile and Dependent and Neglected Children.**
- 19) **Keep a trust account book wherein are entered all money received as child support payments, Deposits for Inheritance Tax, Bonds, and miscellaneous receipts.**
- 20) **Water Commissioners during the water season file water reports with the clerk, and she is required to bill the water user for this water.**

Comments: Child support and water bills are a nuisance.

COUNTY CLERK AND RECORDER

The Clerk and Recorder serves five days a month as official secretary to the Board of County Commissioners and:

- a) **Records all proceedings of the Board.**
- b) **Makes full entries of all its resolutions and decisions concerning the raising of money for and the allowance of accounts against the county.**
- c) **Records the vote of each member when there is a division, or at the request of any member.**
- d) **Signs all orders and warrants issued by the Board for payment of money.**
- e) **Preserves and files all accounts acted upon by the Board.**
- f) **Preserves and files all petitions and records the action of the Board.**
- g) **Records all orders levying taxes.**
- h) **Designates on every account allowed by the Board the amount allowed.**

- (1) Delivers to any person who may demand it a certified copy of any record in the office, or any account on file.
- (2) Administers all elections: state, county, city and school.
- (3) Is Ex-officio Registrar for the State of Montana and is the keeper of all voter registration cards and records.
- (4) Is the keeper and indexer of all public records:
 - a) Deeds, grants, transfers, contracts to sell real estate, mortgages of real estate, releases of mortgages, etc.
 - b) Certificates of births and deaths.
 - c) Official bonds.
 - d) Wills, devising real estate admitted to probate.
 - e) Transcripts of judgments which by law are made liens upon real estate.
 - f) Orders and decrees by the district court in probate matters affecting real estate necessary to be recorded.
 - g) Notices and declarations of water rights.
 - h) Affidavits of work done on mining claims.

Comments made by Mrs. Miller were: The most time consuming fact of her office is that it is the garbage can of the county. Everything, except for certain court records, ends up in her office. Microfilming of records is in progress. Births and deaths already have been done and are being kept current. Work has started on deeds and the Hospital records. Eventually all records will be microfilmed. Mrs. Miller concluded that she felt elected officials should have some more consideration as far as salaries and benefits are concerned, not just state employees; employees salaries are certainly important, but some thought should be given to the elected official too.

CORONER

Coroner is to make investigation of death or still birth when criminal conduct is suspected or when physician or surgeon will not sign death certificate. Also if deceased person has not seen a doctor within 30 days preceeding death.

- 1) To hold inquest of the scene of the crime within 30 days when requested by County Attorney.
 - a) Jury of not more than nine members.
 - b) May subpoena witnesses.
 - c) Inquest shall be public.
 - d) Verdict in writing by jury.
 - e) Findings condensed by Coroner and filed with clerk of the District Court.
- 2) To bury body when expense of interment is to be paid by county.
- 3) To deliver to Public Administrator personal property and papers found on the body and to the investigating authority, property to be held as evidence.

- 4) Statement of amount of money and property, the disposition of said property before allowing accounts of coroner.
- 5) Justice of Peace to act as coroner in his absence.
- 6) Coroner to discharge duties of sheriff in his absence.
- 7) Must keep register—Date of inquest, finding of inquest and name or description of the body.
- 8) Have a stenographer when population is over 45,000.
- 9) Hold inquest in case of prisoner death in state prison. This only in County where prison is located.
- 10) Payment of cost of prison inquest to be paid by county where prison is located.
- 11) Have autopsy when advisable to be paid by county.
- 12) Must hold inquest and have an autopsy of each death in state institution within the county. Paid by county where located.

Deaths investigated in Powell County for 1972-39, 1973-41, 1974-22. Budget: \$2,000 for 1974 of which 1/2 was spent. \$2,500 for 1975 to cover expense of new law pertaining to state institutions. Witnesses receive \$3 and mileage, Jurors \$12 and mileage, Coroner \$5 with \$15 maximum on each case, and mileage. Telephone bill is allowed. Comments made by Clayton Jewell were: Only 3 doctors in the state serve as coroners. They are retired. Coroners should have knowledge of duties and criminal negligence. Increase in pay plus expenses would get better qualified personnel for the office. County in which accident happens responsible instead of county where death occurs. Definite qualifications should be laid down in order to run for office.

JUSTICE OF THE PEACE

Justice of the Peace has powers partly judicial, partly administrative and is primarily concerned with the maintenance of good order in the county over which his authority extends. Justice of the Peace holds court of limited jurisdiction for the disposition of petty criminal cases, usually only misdemeanors, no felonies. Each Justice has to attend annual training sessions. Has the power to perform marriages. Fee goes to the Justice personally. Collects and turns over to Highway Patrol all fines. Collects and turns over to Fish and Game all fines.

Comments: Jack of all trades but master of none. Court of no-record, but must keep records and account to auditor. Also report to Highway Patrol every month. Highway Patrol and Fish & Game pay \$7.50 per case, except Federal speeding then \$4 goes to the county and \$1 to the Drivers Education of the county. If there is a jury trial the jury list is made up from city only (meaning Deer Lodge). New law dealing with children, liquor, explosives, and junk dealers with stolen property not as good as old. Salary too low for the work load. Should be more comparable with other county offices. Justice of the Peace court should not be just any place but in a suitable place for greater respect of the court.

PUBLIC ADMINISTRATOR

Public Administrator must:

1. Take charge of estates of persons dying within his county as follows:
 - a) Estates for which no administrators are appointed.
 - b) Estates with no known heirs.
 - c) Estates ordered into his hands by court.
 - d) Estates with letters of administrator that have been issued to him by court.
 - e) Shall not dispose of estate until 30 days after the death.
2. Procure letters of administration—bond and oath.
 - a) Special bond when selling real estate.
 - b) To recover any damage to estate from person responsible for not notifying public administrator where death of a stranger occurs in his house without known heirs.
3. Make out and return inventory of estate taken into his possession and administer and account for same to clerk of district court.
4. Deliver estate to proven executor or administer, account for, pay, all money property and papers.
5. If civil officers notify public administrator of waste, institute action for property, debts, papers, or other estate of descendants.

Court may order an accounting and delivery of estate to heir, executors, or administrators.

Annual publication of conditions of estates in his hands.

1. Money.
2. What he has done with it.
3. Amount of his fees and expenses.
4. Balance.
5. Post a copy of same in office of clerk of the district court of the county.

Moneys to be deposited with county treasurer. Commission of fifteen percent of money or estate but not less than five dollars, out of which he has to pay the attorney fees and other expenses.

Comments: No fees have been collected by Mr. Rennfield. He has to execute the estate for the out of state heirs.

SHERIFF

The Sheriff's duties are to preserve the peace.

- 1) Responsibility for all felonies in county which includes city.
- 2) Stock inspectors: are responsible for and handles the paper work.
- 3) Accidents: May call patrolmen if no personal injuries, otherwise investigate.
- 4) All calls incoming for city police & sheriff's office.

- 5) Maintain jail for all prisoners—city, county, Highway patrol, & each prison prisoners.
- 6) Burglar alarms, of which there are five, go through his office.
- 7) 24 hours phone for fire department.
- 8) Notify highway patrol of all highway accidents.
- 9) Arrest and take before the nearest magistrate, for examination, all persons who attempt to commit or have committed a public offense.
- 10) Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to his knowledge.
- 11) Performs duties of humane officer within his county with reference to the protection of dumb animals.
- 12) Attends all courts, except justices and police, at their respective terms or sessions held within his county, and obey their lawful orders and directions. (Appears in court approximately 16-20 hours a month).
- 13) Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.
- 14) Serve all process or notices in the manner prescribed by law.
- 15) Certify under his hand upon the process of notices the manner and time of service, or if he fails to make service, the reasons of his failure, and return same without delay.

Budget: Total budget for wages \$49,664. Sheriff: \$9,380. 2 deputies each \$8,342. 4 radio operators each \$4,880. Balance in vacation, sick leave, & other benefits. Maintenance of moving stock: \$7,000 to maintain 3 radio equipped vehicles (1 4-wheel drive & 2 cars). Maintenance of office: \$4,000 for equipment and office supplies. Medical Care of prisoners: \$4,750. Board of prisoners: \$2,200. Board of Highway Patrol prisoners: \$800. Women prisoners: \$1,000. Prisoners destruction: \$750. Total: \$65,414.

Comments: Average 3 prisoners per day or about 90 a month. The sheriff has to have County Commissioners permission to be gone for more than 3 days, except for extraditions. There isn't any time allowed for vacation. There are five city & three county law enforcers of which there should be two men available for night duty. All records should be kept in a master file for city & county.

COUNTY SUPERINTENDENT OF SCHOOLS

The Powers and Duties of the County Superintendent:

- 1) Estimate the average number belonging (ANB) of an opening school.
- 2) Process and, when required, act on school isolation applications.
- 3) Complete the budgets, compute the budgeted revenues and tax levies, give notices of the budget meetings, file final and emergency budgets and fulfill such other responsibilities assigned to him under the provisions of this title regulating school budgeting systems.

- 4) Submit an annual financial report to the superintendent of public instruction.
- 5) Act on any request to transfer students.
- 6) Act on district requests to allocate federal monies for indigent children for school food services.
- 7) Perform any other duty prescribed from time to time by this title, and any other act of the legislature, the policies of the board of education, or the rules and regulations of the superintendent of public instruction.

SCHOOLS-TEACHERS-PUPILS

- 1) Register the teacher certificate or emergency authorization of employment of any person employed in the county as a teacher, principal, or district superintendent.
- 2) Act on each tuition application submitted.
- 3) For district which do not employ a district superintendent or principal, recommend library book and text book selections.
- 4) Acts as attendance officer.
- 5) Assist trustees with school supervision.
- 6) Visit each school of the district at least once a year while pupil instruction is being conducted to observe the instructional methods, ability of the teacher, progress and discipline of the pupils, and the general conditions of the school.
- 7) Special visits to the schools on request of the trustees.
- 8) Advising and directing teachers on instruction, pupil discipline, and other duties of the teacher.
- 9) Consulting with the trustees on all school matters that may be found during the observation of the school or may otherwise come to the attention of the county superintendent.

SCHOOL BOARDS

- 1) Determine, establish and re-establish trustee nominating districts, and fill additional trustee position vacancies.
- 2) Administer and file the oaths of members of the trustees of the districts.
- 3) Fill and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims.
- 4) Keep a record of official acts, preserve all reports submitted, preserve all books and instructional equipment or supplies, keep all documents, and surrender such records, books, supplies and equipment to his successor.
- 5) Within 90 days after the close of the school fiscal year, publish an annual financial report.

CONSOLIDATION-ANNEXATION-ABANDONMENT

- 1) The County superintendent shall notify the elementary district that has not operated a school for 2 consecutive years before the first day of the third year that the failure to operate a school for 180 days during the ensuing school fiscal year shall constitute grounds for

abandonment of such district at the conclusion of the succeeding school fiscal year.

- 2) Act on any unification proposition.
- 3) Is a member of the high school boundary commission of the county.

GENERAL

- 1) File a copy of the adult report for a district or a school's extracurricular fund.
- 2) Compute the revenues and the district and county levy requirement for each fund included on each district's final budget.
- 3) Calculate the estimated, budgeted general fund sources of revenue.
- 4) Act as the clerk of the board of school budget supervisors.

TRANSPORTATION

- 1) Act as the chairman of the county transportation committee.

APPEALS AND HEARINGS

- 1) The county superintendent shall hear and decide all matters of controversy arising in his county as a result of decisions of the trustees of a district.

COUNTY TREASURER'S OFFICE

The County Treasurer must:

- 1) Receive all monies belonging to the county and all other monies by law directed to be paid her, apply and pay out rendering account thereof as required by law.
 - a) Preparation and collection of Real Estate taxes as taken from the assessment rolls.
 - b) Billing and collection of personal property taxes as applies, such as merchandise in stock, machinery of all types and livestock.
 - c) Registration and collection of all motor vehicles, to include taxes, license, G.V.W. fees, junk fees, title transfers and recording liens. Within this area are autos, trucks, trailers, RPO, campers, snowmobiles, special permits such as moving of mobile homes, special single movement permits, windshield stickers, etc.
 - d) Miscellaneous Licenses: county liquor, contractors, butcher, game tables, etc.
- 2) Keep an account of the receipts and expenditures of all monies in books provided for this purpose, in which must be entered the amount, the time, from whom and on what account all monies were received and disbursements made.
 - a) So keep the books of separate funds or specific appropriations in separate and distinct accounts, and the whole receipts and

expenditures shown in one general cash account.

- 1) The general cash account appears on a monthly basis and is referred to the Clerk and Recorder for the scrutiny of the Board of County Commissioners.
- 2) Disburse county monies only on county warrants issued by the County Clerk, based on orders of the Board of Commissioners, or as otherwise provided by law.
- 3) Keep all school monies in a separate fund, and keep a separate account of disbursements of the various school districts.
 - a) Monthly balance sheets are furnished the clerks.
 - b) School funds are invested in Certificates of Deposit.
 - c) Distribution of tax monies to the various schools as per fund account.
 - d) Audit each rural school district on annual basis.
 - e) Keep a record of the school bonds and interest, calling bonds when due and payment of same.
 - f) Federal funds as allocated each district are accounted for.
- 4) Banking and Investments:
 - a) County monies are distributed between the banks in Powell County: 30% (approx.) in First Security and 70% (approx.) in Deer Lodge Bank and Trust.
 - b) It is the duty of the treasurer to be sure the banks have collateral to cover the deposits.
 - c) SID bond and interest is recorded, bonds called and paid.
 - d) Invest surplus funds for county as well as school districts, fire department or other special districts.
- 5) Collect all city taxes and disburse, broken down into the various accounts.
- 6) Invest Revenue Sharing funds, pay the warrants.
- 7) Collect inheritance taxes and report to state.
- 8) Publish tax sales, transfer all delinquent taxes out of current account into the delinquent book.

Notes . . .

