

FINAL REPORT

and proposed alternative
form of government

Aug. 4, 1976

LOCAL GOVERNMENT STUDY COMMISSION

Hot Springs, Montana

To the Citizens of Hot Springs:

Local government study commissions were authorized by the 1974 session of the Montana Legislature to implement the Local Government Article of the 1972 Constitution. The responsibility of the study commission is to "study the form and power of government and existing procedures for the delivery of local government services and compare them with other forms available under the laws of the State of Montana."

After completing these two phases of the study, it is the responsibility of the study commission to submit an alternative form of government to the qualified electors. An alternative form of government is defined as one "which must differ in some manner from the existing form." We are submitting a modification of the existing mayor-council form of government as the alternative form.

The question on the alternative form of government will be placed on the ballot November 2, 1976. At that time voters will have the choice of retaining the existing form of government or adopting the alternative form proposed in the report of the study commission.

Respectfully submitted,

HOT SPRINGS LOCAL GOVERNMENT STUDY COMMISSION

Members:

Laura K. Brown
Virginia Gutter
Florence J. Schaffer

SUMMARY of Recommendations

The Hot Springs local government study commission having thoroughly studied our present form of government and the alternative forms of government available to cities and towns under state law, submit the following:

1. That the Mayor-council (also known as commission-executive) form of government with the following modification to be placed on the ballot as the alternative form of government.

a. with non-partisan elections

2. The question on the form of government will be submitted to the voters of Hot Springs, in a special election to be held with the general election on November 2, 1976 in the following form:

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT.

Vote for One.

For adoption of the Mayor-council form of government as modified in the report of the Hot Springs local government study commission.

For the existing mayor-council form of government.

Findings of the Study Commission

It is the conclusion of the study commission that the Mayor-Council form can best meet the needs of this town. We have submitted one change to comply with the requirements of the law that an alternative form must be placed on the ballot. The voters of this town can decide if this change is desirable.

COMPARISON OF EXISTING AND PROPOSED FORM OF GOVERNMENT

Characteristics	Present Form	Proposed Form	Comments
Form of Government	Mayor-Council	Same	No Change
Powers	GENERAL GOVERNMENT LOCAL STATE LAW defines functions and services local governments provide.	Same	No change
Governing Body	4 Council members 2 elected from each of 2 wards.	Same	No change
Elections	Partisan	Non-partisan	This legalizes the current practice of non-partisan election
Term	4 year overlapping terms	Same	No change
Presiding Officer	Mayor	Same	No Change
Duties	Policy-making body, also involved in administration.	Same	No Change
Other Elected Officials	Treasurer (may be elected) Mayor	Same	No Change

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
THE TOWN OF HOT SPRINGS

If retained by the voters, the government of the town of Hot Springs shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana, 1947. Commission-executive form.

47A-3-203. Commission-executive form

(1) 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.

(2) The executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance or resolution;
- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;
- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) 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.

(3) The plan of government shall further define the structural characteristics of the form by including the items listed below:

(a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.

(c) The executive may veto ordinances and resolutions ~~is~~ subject to override by a two-thirds vote of the commission.

(d) The executive may prepare the budget in consultation with the commission and department heads.

(e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

(f) A financial officer (who may be called the "treasurer") shall be appointed.

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

(h) Local government elections shall be conducted on a partisan basis as provided in this title.

(I) 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.

(j) 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.

(k) Commission members shall be elected for overlapping terms of office. (1) The size of the commission shall be 4 members, 2 to be elected from each of 2 districts, and community councils to advise commissioners may be authorized by ordinance.

(m) The term of office of elected officials shall be four (4) years.

(4) The plan of government shall authorize general government powers.

We, the Study Commissioners of the town of Hot Springs do hereby certify that this is the existing Plan of Government as established by Section 47A-3-203, R.C.M. 1947

SEAL

In testimony whereof, we set our hands.

Done at Hot Springs

this 15 day of June 1976.

Attest: Robert E. Singleton
MUNICIPAL CLERK of
Hot Springs

Lucy K. Brown
Virginia Butler
Florence J. Scheffer
LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
THE TOWN OF HOT SPRINGS

If adopted by the voters, the government of the town of Hot Springs shall be organized under the following provisions of Section 47A-3-203: Revised Code of Montana 1947, Commission-executive form

47A-3-203. Commission-executive form

(1) 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.

(2) The Executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance, or resolution;
- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;
- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) 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.

(3) The plan of government shall further define the structural characteristics of the form by including the items listed below:

(a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.

(c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.

(d) The executive may prepare the budget in consultation with the commission and department heads.

(e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

(f) A financial officer (who may be called the "treasurer") shall be appointed.

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

(h) Local government elections shall be conducted on a non-partisan basis as provided in this title.

(i) 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.

(j) 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.

(k) Commission members shall be elected for overlapping terms of office.

Page 3 of Establishing the Proposed Plan of Government

(l) The size of the commission shall be 4 members, 2 to be elected from each of 2 districts, and community councils to advise commissioners may be authorized by ordinance.

(m) The term of office of elected officials shall be four (4) years.

(n) The plan of government shall authorize general government powers.

We, the Study Commissioners of the town of Hot Springs do hereby certify that this is the proposed Plan of Government as established by Section 47A-3-203, R.C.M. 1947

Seal

In testimony whereof, we set our hands.

Done at Hot Springs

this 15 day of June 1976

ATTEST: Robert E. Singleton
Municipal Clerk of Hot Springs

Legoria K. Brown
Virginia Butler
Florence J. Schaffer
Local Government Study Commissioners

CERTIFICATE
ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF HOT SPRINGS

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Hot Springs at a special election to be held with the general election on November 2, 1976

We, the Study Commissioners of
Hot Springs do hereby certify
that this is the date of the
special election approved by the
Study Commissioners of Hot Springs

Seal

In testimony whereof, we set our hands.

Done at Hot Springs this 15
day of June, 1976

ATTEST: Robert E. Singleton
Municipal Clerk of Hot Springs

Lenora K. Brown
Virginia Butler
Flourance J. Schaffer
Local Government Study Commissioners

Instructions to voters: Place an "X" in the boxes which express your preferences.
The full text of the proposed form of government and of the existing form of government are available at your polling place.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One

For adoption of the mayor-council form of government as modified in the report of the Hot Springs local government study commission.

For the existing mayor-council form of government.

Page 2: Establishing the Official Ballot

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

In testimony whereof, we set our hands.

Done at Hot Springs this 15 day of

June

Lenora K. Brown
Virginia Butler
Flourence J. Schaffer

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ATTEST: Robert E. Singleton
Municipal Clerk of
Hot Springs

Local Government Study
Commission