

City of Red Lodge



Government Study Commission

Final Report

Red Lodge City Study Commissioners
James L. Dunn (446-3430)
Respectfully submitted,
41111111

Our recommendations, both the studies and
were held, and a survey of citizens attitudes was made.
Study Commission were open to the public. Public hearings
community organizations, and citizens. All meetings of the
data were solicited from local government officials, com-
from as many people as possible. Opinion and recommen-
The Study Commission sought advice and information
the possible options in
government, or to offer an
changes, or to propose an
the commission is to submit a report recommending
the laws of the State of Montana. Having completed this
services and compare them with other forms available under
government and procedures for delivery of local government
law, is "to study the existing form and powers of our city
The purpose of the Study Commission, as defined in state
present this preliminary report to the citizens of Red Lodge.
Commission, elected by the voters in November of 1984.
The members of the Red Lodge City Government Study
to the Citizens of the City of Red Lodge, Montana.

City of Red Lodge Government Study Commission Final Report

Table of Contents

- I. Letter to the Citizens of the City of Red Lodge 1
- II. Summary of Recommendations 2
- III. Findings of the Study Commission 2-3
 - A. The Amendment to the Present Form of Government
 - B. Sub-options
- IV. Comparison of the Existing Form of Government
to the Proposed Amendment and Sub-options 3
- V. Appendix 4-6
 - A. Exhibit A: Certificate Establishing the Existing Form
of Government for the City of
Red Lodge, Montana
 - B. Exhibit B: Certificate of Amendment to the
Government
 - C. Exhibit C: Certificate Establishing the Date of the
Special Election at which the Amended
Form of Government shall be Presented
to the Voters
 - D. Exhibit D: Certificate Establishing the Official Ballot
for the November 4, 1986, Special Election

To the Citizens of the City of Red Lodge, Montana:

The members of the Red Lodge City Government Study Commission, elected by the voters on November 6, 1984, present this preliminary report to the citizens of Red Lodge.

The purpose of the Study Commission, as defined in state law, is "to study the existing form and powers of our city government and procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana." Having completed this, the commission is to submit a report recommending no change, or to propose an amendment to the existing form of government, or to offer an alternative form of government to the qualified electors.

The Study Commission sought advice and information from as many people 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. Public hearings were held, and a survey of citizen attitudes was made.

Our recommendations reflect both the attitudes and

opinions of those who participated in our process of gathering information and the independent views of members of the Study Commission.

In this final report, we present our recommendations for an amendment to the existing form of government. We are also offering three sub-obtions that could alter the present form of government.

Please read the following report carefully. These options will be placed on the ballot November 4, 1986.

Respectfully submitted,
Lynette Coleman (446-1420)
Janet L. Dunn (446-3430)
Doris Lochridge (446-2063)

Red Lodge City Study Commissioners

Summary of Recommendations

The Red Lodge City Local Government Study Commission thoroughly studied our present form of city government. Having compared this form with the alternative forms of government available to cities under the state law, we found that the present commission-executive (council-mayor) form of government has served Red Lodge well. However, the Study Commission is recommending the following amendment to the existing city government:

Amendment: The City of Red Lodge should adopt, effective November 5, 1986, nonpartisan elections.

With this amendment, the Study Commission is offering the voters three sub-options as possible changes. The sub-options include:

Sub-option 1. Length of terms of office for members of the city council and mayor.

Sub-option 2. Elections for members of the city council by ward or at-large.

Sub-option 3. Self-governing powers or general governing powers.

Findings of the Study Commission

A. The Amendment to the Present Form of Government

The Study Commission recommends that the city of Red Lodge adopt an amendment to hold nonpartisan city elections. Partisan elections mean that candidates must declare a political party affiliation. A candidate would register to be a Democrat, Republican, or affiliated with another party, and would run on that party ticket. In nonpartisan elections, all candidates' names are placed on the ballot for all voters to choose. The recommended amendment would **not** affect the existing form of government, but would make city elections meet the requirements of the Montana Constitution as it relates to the type of elections that are to be held by the council-mayor form of government.

As stated in Section 7-3-219, Montana Code Annotated, the plan of government for the city of Red Lodge shall include the following type of election: "Local government elections shall be conducted on a partisan basis."

In order for the city of Red Lodge to continue conducting its local elections on a nonpartisan basis, voters must approve the recommended amendment to the existing form of government. The Study Commission feels that city councils of small cities should not be controlled by party politics or divided along party lines. Therefore the Study Commission proposes an amendment to the present form of government that the city of Red Lodge shall continue to hold its elections on a nonpartisan basis.

In 1975, the state legislature implemented the new Constitution by enacting various local government statutes that defined existing governmental forms and provided for several alternative forms. The code provides that if a local government, organized under the general statutes authorizing the council-mayor form of government, did not adopt a new form of government, then it was governed by certain statutes after May 2, 1977, including one requiring partisan elections.

The city is **not** meeting this requirement. Red Lodge is now holding nonpartisan elections, in contradiction to the Montana Constitution and laws. The Study Commission is **not** recommending a change, but rather is asking the citizens of Red Lodge to correct this long-existing error. In order to correct this error, the Study Commission is asking the citizens of Red Lodge to vote for nonpartisan elections for the city. This will not change anything as it exists now,

but will legalize the nonpartisan elections as they are now being held. **Should the voters not approve this amendment, Red Lodge will be required to hold partisan elections, and candidates will be required to run on party tickets.**

B. Sub-options

The Commission, as a result of its study, determined that in addition to the amendment to the present form of government, three other issues deserved consideration by the voters as possible changes in city government. These sub-options are available only if the amendment to legalize nonpartisan elections is passed.

The Study Commission conducted a survey and interviews dealing with questions raised in the first two sub-options, and because the responses were mixed, the Commission is offering these two sub-options to the voters for discussion and decision. The third sub-option deals with the powers of the local government. The Study Commission recommends that self-governing powers be adopted to allow the mayor and city council more flexibility in governing Red Lodge.

Sub-option 1. Length of terms of office for members of the city council and mayor.

This sub-option would allow the voters to change the terms of office for the mayor and council members from four years to two years. In its survey, the Study Commission found that many citizens thought four year terms for mayor and council members were too long. On the other hand, many others felt that two years was not sufficient time to learn the workings of the council, city problems, city ordinances, and other matters. This sub-option gives the voter the opportunity to choose between four year and two year terms.

Sub-option 2. Elections for members of the city council by ward or at-large.

This sub-option would allow voters to choose between electing half of the council members "at-large" or continuing to elect all council members from wards. In at-large elections, all city voters, not just ward members, nominate and vote for candidates. There are presently six council members in the city of Red Lodge.

Two council members are nominated and elected from each of the three wards by the voters in each ward. The candidates for mayor are nominated at-large and elected at-large.

The Study Commission is offering that the mayor and three council members be nominated and elected at-large, and that one council member be nominated and elected by each of the three wards, for a total of six council members.

In the past, it has been difficult to find persons from certain wards to run for city council. According to the Commission's survey, citizens seem to want representatives from their wards, but also to want to vote for all council members. This proposal would satisfy both positions, allowing for each ward to have one council member representing it—a person whom the ward nominated and elected to the council. It would also allow for three at-large council members, representing the interest of the city as a whole to the city council.

At-large council members would permit the council to look at the best interest of the whole community and to assign priorities to projects and services that would benefit the greatest number of people, and yet the citizens would still have a council member from their ward to protect that ward's interests.

Sub-option 3. Self-governing powers or general governing powers.

This sub-option offers the opportunity to the city of Red

[Next page please]

[From previous page]

Lodge to assume self-governing powers. This is a confusing concept, so examples may help explain what self-governing powers mean.

At present, Red Lodge has general governing powers, which mean that the city government has power to do only those things that the state government allows the city to do. The state has the authority to tell the city how and what it can do.

Under self-governing powers, the city government would have the authority to undertake actions not prohibited by state or federal laws. More specifically, with self-governing powers, the city could organize its departments in a manner to fit Red Lodge's needs. The city could set salaries for city officials and could set office and working hours. While the law prohibits local governments from imposing income or

sales taxes, with self-governing powers other revenue sources would be available, such as license taxes, severance taxes, privilege taxes, and payroll taxes. The city could establish building codes, offer remission of added tax for improvements, or create special boards. Although the city would still be required to meet state laws, it would have more flexibility in providing services and could tailor the government more to the specific needs of Red Lodge. The city would also be empowered to establish stricter controls in any area under state authority. Some of the cities in Montana currently operating with self-governing powers are Bridger, Fromberg, Billings, Poplar, Whitefish, West Yellowstone, Glasgow and Clyde Park.

The above three sub-options will be offered on the ballot, but the sub-optional changes can only be made if the amendment to legalize nonpartisan elections is passed.

Comparison of the Existing Form of Government to the Proposed Amendment and Sub-Options

Existing Form of Government	Amendment to the Existing Form of Government Proposed by Study Commission
Government Structure:	No change recommended.
Commission-executive (council-mayor) structure consisting of an elected mayor and six elected councilmen.	
Elections:	Elections shall be nonpartisan.
Present system calls for partisan elections (the City has traditionally held nonpartisan elections, however).	

Existing Form of Government	Possible Changes to the City Government
Terms of Office:	The term of office of mayor and council members shall be two years.
The term of office of the mayor and council members shall be four years.	
Election of City Council Members:	All council members shall be elected as follows: one council member shall be nominated and elected from each ward, and the other three council members shall be nominated and elected at-large.
All council members shall be elected by wards in which candidates must reside and which are apportioned by population.	
Powers Granted by State Law to City Government:	The City has all powers that are not specifically denied by the state legislature or Constitution. (These are called "self-governing powers.")
The City has only those powers specifically granted to cities by the state legislature. (These are called "general governing powers.")	

Appendix

APPENDIX A EXHIBIT A

CERTIFICATE ESTABLISHING THE EXISTING FORM OF GOVERNMENT FOR THE CITY OF RED LODGE, MONTANA

If retained by the voters, the government of the City of Red Lodge shall be organized under the following provisions of Section 7-3-201 through Section 7-3-224, Montana Code Annotated, 1985:

7-3-201

7-3-202 (1)

7-3-203 (1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

7-3-211

7-3-212 (2)

7-3-213 (3)

7-3-214 (2)

7-3-215 (2)

7-3-216 (2)

7-3-217 (3)

7-3-218 (2)

7-3-219 (1)

7-3-220 (1)

7-3-221 (3)

7-3-222 (2)

7-3-223 (2)

7-3-224

These sections establish the following form of government which shall be called the COUNCIL-MAYOR Form:

COMMISSION-EXECUTIVE GOVERNMENT

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:

(1) general government powers; or

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.

7-3-204 through 7-3-210 reserved.

7-3-211. Structural sub-options. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

7-3-212. Administrative assistants. The executive:

(2) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistant shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may:

(3) 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; or

7-3-214. Veto power. The executive may:

(2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or

7-3-215. Preparation of budget. The executive may:

(2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

(2) 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):

(3) shall be selected as provided by ordinance; or

7-3-218. Selection of commission members. The commission shall be:

(2) 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:

(1) partisan basis; or

7-3-220. Chairman of commission. The commission shall have a chairman who shall be:

(1) elected by the members of the commission from their own number for a term established by ordinance; or

7-3-221. Presiding officer of commission. The presiding officer of the commission shall be:

(3) 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); or

7-3-222. Terms of commission members. Commission members shall be elected for:

(2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and;

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. 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 Commission of the City of Red Lodge do hereby certify that this is the existing Plan of Government as established by Section 7-3-201 through Section 7-3-224, Montana Code Annotated, 1985.

[Next page please]

[From previous page]

In Testimony whereof, we set our hands.

Done at Red Lodge, Montana, this day of
1986.

ATTEST:

Clerk of City of Red Lodge

Local Government Study Commissioners

**APPENDIX B
EXHIBIT B**

CERTIFICATE OF AMENDMENT TO THE GOVERNMENT

Upon approval of the majority of voters, the government of the City of Red Lodge shall be organized under the following provisions of Section 7-3-201 through Section 7-3-224, Montana Code Annotated, 1985:

7-3-201

7-3-202 (1) or (2)

7-3-203 (1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

7-3-211

7-3-212 (2)

7-3-213 (3)

7-3-214 (2)

7-3-215 (2)

7-3-216 (2)

7-3-217 (3)

7-3-218 (2) or (4)

7-3-219 (2)

7-3-220 (1)

7-3-221 (3)

7-3-222 (2)

7-3-223 (2)

7-3-224

These sections established the following form of government which shall be called the COUNCIL-MAYOR form:

COMMISSION-EXECUTIVE GOVERNMENT

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:

- (1) general government powers; or
- (2) self-governing powers.

(The questions of powers will be presented to the voters as a sub-option on which to be voted. The option approved will become part of the plan of government.)

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.

7-3-204 through 7-3-210 reserved.

7-3-211. Structural sub-options. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

7-3-212. Administrative assistants. The executive:

(2) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistant shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may:

(3) 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; or

7-3-214. Veto power. The executive may:

(2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or

7-3-215. Preparation of budget. The executive may:

(2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

(2) 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):

(3) shall be selected as provided by ordinance; or

7-3-218. Selection of commission members. The commission shall be:

(2) elected by districts in which candidates must reside and which are apportioned by population; or

(4) elected by any combination of districts, in which candidates must reside and which are apportioned by population and at-large.

(The selection of council members will be presented to the voters as a sub-option upon which to be voted. The option approved will become part of the plan of government.)

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

(2) nonpartisan basis;

7-3-220. Chairman of commission. The commission shall have a chairman who shall be:

(1) elected by the members of the commission from their own number for a term established by ordinance; or

7-3-221. Presiding officer of commission. The presiding officer of the commission shall be:

[Next page please]

[From previous page]

(3) 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); or 7-3-222. Terms of commission members. Commission members shall be elected for:

(2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and;

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. 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.

(The term of elected officials will be presented to the voters as a sub-option for approval. The option approved will become part of the plan of the government.)

We, the Study Commissioners of the City of Red Lodge do hereby certify that this is the amendment to the existing Plan of Government as established by Section 7-3-201 through Section 7-3-224, Montana Code Annotated, 1985.

In Testimony whereof, we set our hands.

Done at Red Lodge, Montana, this day of , 1986.

ATTEST:

Clerk of City of Red Lodge
Local Government Study Commissioners

APPENDIX C
EXHIBIT C
CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL
ELECTION AT WHICH THE AMENDED FORM OF
GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF RED LODGE

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

We, the Study Commissioners of the City of Red Lodge do hereby certify that this is the Certificate Establishing the Date of the Special Election at Which the Amended Form of Government Shall be presented to the Electors of Red Lodge.

In Testimony whereof, we set our hands.

Done at Red Lodge, Montana, this day of , 1986.

ATTEST:

Clerk of City of Red Lodge
Local Government Study Commissioners

APPENDIX D
EXHIBIT D
CERTIFICATE

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

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

OFFICIAL BALLOT
BALLOT ON AMENDMENT TO EXISTING
FORM OF GOVERNMENT

If the proposed Amendment to the Existing form of Government fails to receive a majority of the votes cast on the question, the sub-options also fail. If the proposed Amendment is adopted, the sub-options require only a plurality of votes cast on the sub-options for adoption.

PLEASE VOTE ON ALL FOUR ISSUES

1.
VOTE FOR ONE

All elected City officers of Red Lodge:

- shall be elected on a nonpartisan basis.
- shall be elected on a partisan basis.

2.
VOTE FOR ONE

Sub-option to be included in the amendment to the existing form of government, if adopted.

The term of office of the mayor and the members of the Red Lodge city council shall be:

- 2 years.
- 4 years.

3.
VOTE FOR ONE

Sub-option to be included in the amendment to the existing form of government, if adopted.

Members of the Red Lodge city council shall be elected as follows:

- one council member shall be nominated and elected from each ward, and the other three council members shall be nominated and elected at-large, for a total of six council members.
- all council members shall be elected by wards, with two council members from each ward.

4.
VOTE FOR ONE

Sub-option to be included in the amendment to the existing form of government, if adopted.

The City of Red Lodge shall adopt self-governing powers:

- Yes
- No

We, the Study Commissioners of the City of Red Lodge do hereby certify that this is the Certificate Establishing the Official Ballot on Amendment to Existing Form of Government.

In Testimony whereof, we set our hands.

Done at Red Lodge, Montana this day of , 1986.

ATTEST:

Clerk of City of Red Lodge
Local Government Study Commissioners