

**To the Citizens of Anaconda
and Deer Lodge County**

One Community - One Government
**Final Report and Proposed
Charter Form of Government**

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TO THE PEOPLE OF ANACONDA AND DEER LODGE COUNTY:

We Montanans are involved in a two-year process of reviewing our local governments as required by our State Constitution. Each local government in our state has an elected study commission which must follow procedures enacted by the Legislature. Therefore, there is a study commission for the City of Anaconda and another study commission for Deer Lodge County.

For almost a year, the two study commissions worked separately to fulfill the requirements of the Constitution and the Legislature. Each group studied the present form and powers of its governmental unit. Each member studied the alternative forms made available to local governments by the Constitution and the Legislature. After this complete analysis, the two study commissions met together and each of the ten members independently presented a position paper outlining the alternative form of government which he thought best. These papers concluded unanimously that complete unification of the governments of the City of Anaconda and the County of Deer Lodge is needed. For this reason the two commissions merged into a single study group which has concluded that the following changes are required:

1. Complete unification of the city and the county.
2. Adoption of the Commission-Manager form for the consolidated government.
3. Acquisition of self-government powers.
4. Adoption of a Charter.

Complete unification recognizes that there is one community of interest within Deer Lodge County. Unification promises greater economy, efficiency, and tax and service equity within this community.

These goals can be realized when consolidation is coupled with the Commission-Manager form which combines professional, competent, efficient, administration with responsive and representative leadership.

This form of government is strengthened by the acquisition of self-government powers which allow our community to handle its own problems.

All three of these changes are essential; together they provide a package—the proposed Charter which follows—to deal effectively with the affairs of this community.

"ONE COMMUNITY -- ONE GOVERNMENT"

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PROPOSED CHARTER

Charter of Anaconda-Deer Lodge County

Preamble

We, the people of the City of Anaconda and the County of Deer Lodge, State of Montana, in accordance with Article XI, Section 5, of the Constitution of the State of Montana and for the purpose of achieving one community, do adopt this Charter of Anaconda-Deer Lodge County, State of Montana.

Article I

General Provisions

Section 1. Name.

The name of this local government unit shall be Anaconda-Deer Lodge County.

Section 2. Status.

Anaconda-Deer Lodge County shall have the status of an incorporated municipality and a county.

Section 3. Boundaries.

The boundaries of Anaconda-Deer Lodge County shall be the same as those of Deer Lodge County as described in the laws of Montana.

Section 4. Charter Supremacy.

As provided by Article XI, Section 5, of the Constitution of the State of Montana, provisions herein establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 5. Oath of Office.

Before entering upon the duties of office, all Anaconda-Deer Lodge County elected officials shall take and subscribe to the oath of office as follows: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, the Constitution of the State of Montana, this Charter, and that I will discharge the duties of my office with fidelity (so help me God)."

Article II

Powers

Section 1. Declaration of Powers.

1. Anaconda-Deer Lodge County shall have all powers not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter.

2. Enumeration of rights, powers, or duties in this Charter shall not be considered exclusive or restrictive.

Section 2. Interpretation of Powers.

The powers and authority of Anaconda-Deer Lodge County shall be liberally interpreted. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

Section 3. Exercise of Powers.

All powers of Anaconda-Deer Lodge County belong to the people of Anaconda-Deer Lodge County. The powers shall be exercised by their elected representatives on the Commission.

Section 4. Existing Obligations.

Any bond, debt, contract, obligation, or cause of action already accrued or established by the City of Anaconda or the County of Deer Lodge governments shall be unaffected by this Charter.

Article III

Commission

Section 1. Powers.

The Anaconda-Deer Lodge County Commission shall be the legislative and policy-making body of Anaconda-Deer Lodge County. Except as otherwise provided by this Charter, the Commission shall exercise all powers of Anaconda-Deer Lodge County which include, but are not limited to, the power:

- a. to adopt ordinances and resolutions.
- b. to appoint and remove the Manager by a majority vote of the entire Commission.
- c. to raise, borrow, and appropriate money.
- d. to provide for an annual audit and a written report of that audit.

- e. to approve and adopt an annual budget.
- f. to adopt and maintain an Administrative Code and a Personnel System.
- g. to review and investigate all fiscal and management operations of the local government.
- h. to establish and prescribe functions of all administrative departments and agencies.
- i. to create, transfer, reorganize, adjust, abolish, or absorb the boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the consolidated governments.
- j. to appoint all members of boards and commissions.
- k. to appoint legal counsel to advise the Commission as necessary.

Section 2. Restrictions on the Powers and Duties of the Commission.

1. The Commission may impose no new form of taxation, including but not limited to sales taxes and income taxes, without approval by the people in a referendum to be held only at a county general election.

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 Charter or the code of local government, 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, neither publicly nor privately.

Section 3. Composition, Terms, and Election.

1. The Commission shall be composed of five (5) members and each Commissioner shall have a designated Commission district. Commission districts shall be of as nearly equal population as possible and shall be reapportioned by the Commission within six (6) months after each official United States census.

2. Candidates for each Commission district seat shall reside in that Commission district.

3. Each Commission district nominee shall be selected in the primary election by the voters in that district.

4. Commissioners shall be elected in the general election for a term of four (4) years by the voters of the county at large. At least two (2) Commissioners shall be elected every two (2) years.

5. The office of Commissioner shall be part-time.

6. Elections for the Commission shall be (partisan) (non-partisan).

Comment: One provision shall become a part of the Charter as determined by the voters in a ballot sub-option.

Section 4. Qualifications, Removal, and Vacancy.

1. All qualified electors of Anaconda-Deer Lodge County are eligible for election to the Commission.

2. No Commission member shall hold any other elective public office or be employed by Anaconda-Deer Lodge County.

3. The office of Commissioner shall become vacant upon the member's:

- a. death.
- b. resignation.
- c. loss of eligibility for election.
- d. violation of any express prohibition of this Charter.
- e. conviction of a felony by a court of competent jurisdiction.

4. In the event of a vacancy, the Commission shall, by majority vote of the remaining members, appoint a member of the advisory council of that district to fill the vacancy until the next regular Commission election at which time the remainder of the term of office shall be completed as provided by law.

5. The Commission shall be the judge of the election and qualifications of its members and of the grounds for removal from office. A member charged with conduct constituting grounds for loss of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

Section 5. Compensation.

1. The Commission shall set the annual salary of its members by ordinance. The ordinance shall be adopted at least six (6) months prior to the next Commission election and shall not become effective until the date for qualification set by state law, following the next Commission election.

2. In addition to salary, Commission members shall receive actual and necessary expenses incurred in the performance of their duties of office, as approved by the Commission.

Section 6. Organization and Procedures.

1. There shall be a chairman of the Commission elected by the Commission. The chairman shall be the official representative of Anaconda-Deer Lodge County and shall have those powers and duties delegated by the Commission.

2. The Commission shall adopt by ordinance a set of written rules to govern its organization and procedures consistent with state law.

3. The Commission shall provide for the keeping of a journal of its proceedings.

4. All meetings shall be open to the public except in such circumstances as are prescribed by state law.

5. All documents and records of the Commission shall be public records and shall be made available for examining and copying.

6. A majority vote of the entire Commission shall be required for all official actions of the Commission. A minimum of four (4) Commission members must be present when official actions are taken by the Commission.

Article IV

Manager

Section 1. Qualifications, Appointment, Removal, and Vacancy.

1. The Anaconda-Deer Lodge County Manager shall be appointed by a majority vote of the entire Commission for an indefinite term on the basis of merit only. Merit shall be interpreted to include education and experience.

2. After appointment, the Manager shall reside in Anaconda-Deer Lodge County.

3. The Commission may, by a majority vote of the entire Commission, remove the Manager from office at any regularly scheduled Commission meeting.

4. By letter filed with the Commission, the Manager shall designate an acting Manager to perform the duties of the Manager during his temporary absence or disability. During such absence or disability, the Commission may revoke such designation at any time and appoint another officer of the local government to serve until the Manager shall return or his disability shall cease.

Section 2. Compensation.

The Commission shall set the salary and other conditions of employment of the Manager.

Section 3. Duties.

1. The Anaconda-Deer Lodge County Manager shall be the chief administrative officer of the local government and shall be responsible for all administrative functions of Anaconda-Deer Lodge County, unless otherwise provided by this Charter.

2. The Manager's responsibilities shall be to:

- a. enforce laws, ordinances, and resolutions.
- b. direct, supervise, and administer all departments and agencies of Anaconda-Deer Lodge County.
- c. appoint and remove department heads with the approval of the Commission.
- d. appoint, remove and supervise employees in consultation with the department heads.
- e. prepare the Commission agenda.
- f. attend Commission meetings unless excused by the Commission and may participate in discussions.
- g. execute bonds, notes, contracts, and written obligations of the local government, subject to Commission approval.
- h. prepare and present the budget to the Commission for its approval and execute the budget adopted by the Commission.
- i. recommend measures to the Commission.

- j. report, as the Commission may require, on the affairs and financial condition of the local government and prepare and present a written annual report.
- k. recommend revisions of the Administrative Code and Personnel System.
- l. carry out policies established by the Commission and perform other assignments as required by the Commission.

Article V

Administration

Section 1. General.

The activities under the direction and supervision of the Manager shall be distributed among such departments and agencies as are established by this Charter or may be established thereunder by ordinance of the Commission in order to execute and enforce policies as determined by the Commission and to carry out obligations imposed on Anaconda-Deer Lodge County by state law.

Section 2. Administrative Code.

1. The Administrative Code shall provide the complete plan of organization and structure of Anaconda-Deer Lodge County.

2. The Administrative Code shall include:

- a. the departmental organization of the government, the nature and scope of each department, and rules and procedures for department operation.
- b. comprehensive budget procedures for the government in accordance with state law.
- c. procedures regarding boards, commissions, advisors, studies and any other government activities.

Section 3. Personnel System.

1. The Anaconda-Deer Lodge County Personnel System shall provide for hiring on the basis of merit and shall include a salary schedule, provisions for vaca-

tions, sick leaves, insurance and other benefits for all employees in accordance with provisions of this Charter; procedures for employees to have an opportunity to be heard upon their request pending discharge, suspension or any designated disciplinary action and shall provide for such other procedures as necessary for an equitable Personnel System including honoring of all collective bargaining agreements.

2. State laws with regard to nepotism shall apply.

Article VI

County Attorney

Section 1. Duties.

The County Attorney shall be the prosecuting attorney and the legal counsel to Anaconda-Deer Lodge County and shall have those duties set by state law.

Section 2. Election, Qualifications, Removal, and Vacancy.

1. The County Attorney shall be elected for a four (4) year term on a partisan ballot, shall have qualifications set by state law, and may be removed from office as provided by state law.

2. In the event of a vacancy, the Commissioners shall appoint a qualified person to fill the vacancy until the next regular Anaconda-Deer Lodge County election at which time the remainder of the term shall be completed as required by law.

Section 3. Compensation.

The County Attorney shall be compensated according to state law.

Article VII

Popular Controls

Section 1. Initiative, Referendum, and Recall.

The people of Anaconda-Deer Lodge County may exercise initiative, referendum, and recall as provided by state law.

Section 2. Open Government.

All meetings and records of Anaconda-Deer Lodge County shall be open to the public as provided by state law.

Section 3. Advisory Councils.

1. There shall be advisory councils in each district composed of three (3)

members who shall be elected for a term of office of two (2) years. Elections for the advisory council shall be (partisan) (non-partisan).

Comment: One provision shall become a part of the Charter as determined by the voters in a ballot sub-option.

2. The advisory councils will function as a communication link between the citizens in the district and the Commissioner from that district by advising him of the various problems of the district and making recommendations for improvements and for the future development of Anaconda-Deer Lodge County. The advisory councils will have advisory power only with no official policy-making or legislative power.

3. There shall be no compensation for members of the advisory councils except that they shall be paid actual expenses incurred in the performance of their duties of office while attending to Anaconda-Deer Lodge County business.

4. All vacancies on the advisory councils shall be filled by appointment by the Commissioner from that district with approval of the Commission.

5. Advisory councils shall organize themselves and follow procedures established by the Commission.

Article VIII

Service Districts

Section 1. General Services District.

1. The total area of Anaconda-Deer Lodge County shall consist of a General Service District in which all property shall be taxed at a rate based on the level of services actually provided.

2. The Commission shall determine by ordinance the rates of taxation except that no differential tax for new services or increased levels of service can be imposed until provision has been made for delivery of the service.

3. Any ordinance establishing differential tax rates shall be subject to complete public hearing procedures as provided by law.

Section 2. Special or Local Improvement Districts.

The Commission may create Special or Local Improvement Districts as provided by law.

Article IX

Miscellaneous Provisions

Section 1. Charter Amendment.

This Charter may be amended as provided by state law.

Section 2. Effective Date.

This Charter shall become effective on May 2, 1977.

Section 3. Judicial.

The offices of Police Judge, Justice of the Peace, and Constable shall be as provided by state law.

Section 4. Separability.

If any section, sub-section, paragraph, sentence, clause, or phrase of this Charter, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions or other applications of this Charter.

Article X

Consolidation/Transitional Provisions

Section 1. General Provisions.

1. Each provision of this Transition Article (Article X) shall be published as a part of this Charter until it has been implemented.

2. Transition to this Charter government shall be as prescribed by this Charter and state law. The Commission may provide for such transition by ordinance, rule, or resolution not inconsistent with law.

3. During the period of the transition, the Commission may appoint a temporary advisory committee consisting of former mayors, aldermen, and county commissioners.

Section 2. Continuity.

1. Each rule, ordinance, or resolution of the Anaconda and Deer Lodge County governments shall remain in force within those former geographic jurisdictions until superseded by action of the Commission. The Commission shall revise, repeal, or reaffirm all such rules, ordinances, and resolutions by May 2, 1979.

2. Anaconda-Deer Lodge County shall be vested with and shall hold, own and control all rights and property of every kind and nature including claims and franchises, owned or controlled by the former city and county governments on the effective date of this Charter. It shall be subject to all debts, obligations, contracts and liabilities of the former city and county governments on the effective date of this Charter.

3. All general obligation bonded indebtedness of the former city and county governments shall remain payable from the jurisdiction subject to indebtedness.

4. Revenue bond or special fund indebtedness not involving a general obligation of the former city and county governments shall continue in effect and be payable according to the terms of such indebtedness.

5. All Anaconda and Deer Lodge County officials or employees, except the Mayor, City Council members, and County Commissioners, may continue in the performance of their duties according to existing personnel procedures or until their positions are terminated by the Administrative Code. Employees whose positions are terminated by provisions of the Administrative Code shall be given first consideration for other Anaconda-Deer Lodge County employment.

6. City and county employees initially will be assigned duties based on seniority except that seniority will not necessarily determine department heads or foremen. Department heads and foremen shall be chosen by the Manager on the basis of merit including knowledge and experience in the former city and county governments.

7. All rights and benefits of city and county employees shall be recognized by this Charter.

Section 3. Initial Procedures.

1. The Commission shall meet on May 2, 1977, to elect its chairman, establish regular meeting dates, provide for appointment of the Manager, and set the agenda for the next meeting. At this first meeting, the Commissioners shall draw lots to establish three (3) terms of office of four (4) years each and two (2) terms of office of two (2) years each.

2. The Commission, at its first meeting shall adopt ordinances and resolutions necessary to effect the transition of government under this Charter and to maintain effective county government during the transition.

3. Each newly elected Commissioner shall receive an initial salary of \$200.00 per month.

4. Until modified in accordance with the provisions of this Charter, Commission districts shall be as follows:

<u>Commissioner District</u>	<u>Enumeration District Number</u>
#1	11
	12
	15
	16
#2	7
	9
	10
	13
	14
#3	4
	5
	6
	8
#4	1
	2
#5	3
	17
	18
	19
	20

Section 4. Manager, Administrative Code, and Personnel System.

1. The Commission shall appoint the Manager on or before August 1, 1977.

2. Within nine (9) months of the appointment of the Manager, the Manager shall prepare and submit an Administrative Code and Personnel System to the Commission for review, amendment, and adoption by ordinance. The Code and Personnel System shall not be in violation of any union collectively bargaining contract in force at the time of adoption of said Code and System.

3. The Commission shall adopt the Administrative Code and Personnel System by ordinance as submitted or amended within three (3) months of the date of submission by the Manager.

4. The method and schedule for implementation of the Administrative Code and Personnel System shall be provided in the ordinances adopting them.

5. No later than March 1, 1979, the Manager shall submit a codification of ordinances and resolutions to the Commission for review, amendment, and adoption by ordinance.

Section 5. Service Districts.

The Service Districts now established within the City of Anaconda and within the County of Deer Lodge shall remain in effect until they are changed as provided in this Charter.

We, the Joint Study Commission of the City of Anaconda and the County of Deer Lodge, do hereby certify that this is the plan of government (Charter) for Anaconda-Deer Lodge County in accordance with Article XI, Section 5 (1) of the Montana Constitution and Section 47A-3-208: Revised Codes of Montana 1947.

In testimony whereof, we set our hands.

Done at City Hall this 26 day of February 1976.

ATTEST:

Helen Lovell
Helen Lovell - CLERK AND
RECORDER OF DEER LODGE
COUNTY

John D. Haffey
John D. Haffey

Donald R. (Doc) Smith
Donald R. (Doc) Smith

John A. Petelin
John A. Petelin

Earl L. Sager
Earl L. Sager

Patricia I. Higgins
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Natalie S. Fitzpatrick
Natalie S. Fitzpatrick

David M. Beatty
David M. Beatty

Richard G. Harris
Richard G. Harris

John R. Durkin
John R. Durkin

Patrick J. McCarthy
Patrick J. McCarthy

ATTEST:

Regina Connor
Regina Connor - CLERK AND
RECORDER OF CITY OF ANA-
CONDA

TRANSITION SUGGESTIONS

A Charter is intended to be a Constitution which deals with basic aspects of the government. It provides a sound and flexible framework for dealing with local concern. But a Charter is not self-implementing. Successful transition to the new form requires dedication on the part of both old and new officials. Therefore, we recommend that a transition advisory committee be established. This committee should include City of Anaconda Study Commission members, Deer Lodge County Study Commission members, former mayors, former City Council members, and former County Commissioners. This committee will assist the new government officials with the transition period beginning June 2, 1976, and continuing for a period of two (2) years. The transition advisory committee should deal with the following subjects and should provide recommendations useful to the new officials:

1. The Administrative Code shall consist of the rules and procedures for administering the affairs of Anaconda-Deer Lodge County after approval of the elected Commission.
2. The transition advisory committee, working in conjunction with present employees of the merged governments, shall prepare a Personnel Code to be reviewed by the Manager for submission to the elected Commission for their revision and approval. The Personnel Code shall contain the provision stated in Article V, Section 3 of this Charter.
3. The transition advisory committee shall recommend to the Commissioners the combining of, the creation of and the elimination of boards and commissions that it shall deem advisable in the best interests of the combined governments. All city, county or joint city-county boards, agencies and commissions as may exist on the effective date of this Charter shall continue for a period of ninety (90) days during which time the Commission shall determine by ordinance, whether they shall be continued or terminated. In the event the Commission fails to act within the specified time limit, said boards, agencies and commissions, advisory or otherwise, shall cease to exist.
4. The transition advisory committee shall recommend the terms of all board and commission members to the Commission. It is suggested that representation on all boards, agencies and commissions shall give to all districts involved equal representation.
5. Department structure, organization and heads, part of the Administrative Code, shall outline the functions and duties of the various offices and their relationships to each other.

6. Upon approval of the elected Commission, qualifications of appointed officials shall be defined and made part of the Administrative Code or Personnel System.
7. The transition advisory committee shall recommend that salaries shall be raised to the point that they are equal between the present City Police and County Deputies according to seniority, training and experience.
8. The transition advisory committee shall be responsible for preparing recommendations to the new government regarding initial budget matters.
9. The transition advisory committee in consultation with present city and county employees shall define seniority. Wages shall be based on seniority and experience.
10. The transition advisory committee shall recommend to the Commission that zoning and building codes respect the differences in rural and urban life.
11. Present state law requiring county Commissioners to publish minutes of their proceedings and Commission expenditures shall be adhered to.
12. The Commission shall designate priority roads (school bus routes) and streets, especially in winter months for snow removal. As much as possible, employees who have customarily maintained these access routes will be assigned to them.
13. Local government shall provide law enforcement services by the most effective and efficient organizational means available to it. In determining this means, the local government shall acknowledge that the law enforcement organization shall be large enough to be effective but small enough to be responsive to the people. To achieve these goals the transition advisory committee shall recommend a law enforcement commission. This commission shall also act as an appeals and regulatory board for law enforcement employees.
14. It is essential to provide a staff of trained personnel to assure proper operation of medical service. It is proposed that a consolidation of effort in public safety communications be initiated by Anaconda-Deer Lodge County

NOTES

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

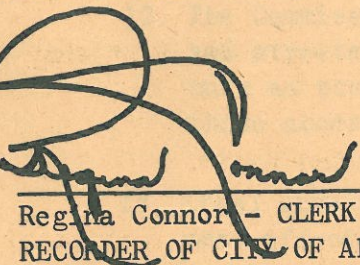
CITY OF ANACONDA

If retained by the voters, the government of the City of Anaconda, shall be organized under the general statutes authorizing the municipal Mayor-Council form of government as provided by the following provisions of Section 47A-3-203: Revised Codes of Montana 1947.

- | | | | | |
|-----|-----|-----|-----|-------|
| (1) | | (3) | (g) | (ii) |
| (2) | | (3) | (h) | (i) |
| (3) | (a) | (3) | (i) | (i) |
| (3) | (b) | (3) | (j) | (iii) |
| (3) | (c) | (3) | (k) | (ii) |
| (3) | (d) | (3) | (l) | (ii) |
| (3) | (e) | (3) | (m) | |
| (3) | (f) | (4) | (a) | |

These sections establish the following form of government which shall be known as the Mayor-Council form.

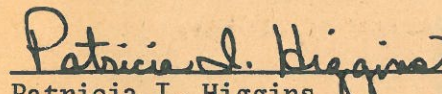
ATTEST:


 Regina Connor - CLERK AND
 RECORDER OF CITY OF ANA-
 CONDA

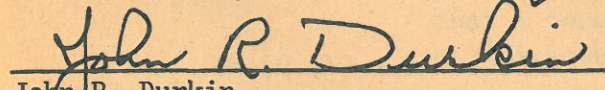
We, the Study Commission of the City of Anaconda, do hereby certify that this is the existing plan of government for the City of Anaconda as established by Section 47A-3-203: Revised Codes of Montana 1947.


In testimony whereof, we set our hands.

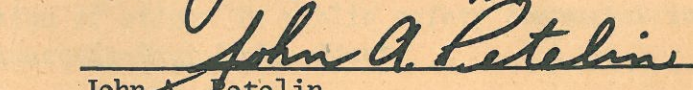
Done at City Hall this 26 day of February, 1976.


 Patricia I. Higgins


 David M. Beatty


 John R. Durkin


 John D. Haffey


 John A. Petelin

Anaconda has a Mayor-Council form of government which consists of an elected Mayor and an elected Council.

The Mayor is required to: enforce laws, ordinances, and resolutions; perform duties required of him by law, ordinance or resolution; administer the affairs of the local government; carry out policies established by the Council; report to the Council on the affairs and financial condition of the local government; execute bonds, notes, contracts, and written obligations of the Council, subject to the approval of the Council; report to the Council as the Council may require; attend Council meetings and may take part in discussions; execute the budget approved by the Council; and appoint, with the consent of the Council, all members of boards, except, the Mayor may appoint, without the consent of the Council, temporary advisory committees established by the Mayor.

The Mayor may: appoint one or more administrative assistants to assist him in the supervision and operation of the local government. (Such administrative assistants shall be answerable solely to the Mayor.); appoint, with the consent of a majority of the Council, all department heads. (The Mayor may remove department heads and may appoint and remove all other department employees.); veto ordinances and resolutions, subject to override by a two-thirds (2/3's) vote of the Council; prepare the budget in consultation with the Council and department heads; and exercise control and supervision of all departments and boards to the degree authorized by ordinances of the Council.

Anaconda has a Treasurer who is elected.

Anaconda's Council members are elected by districts in which they must reside and which are apportioned by population.

Anaconda's elections are conducted on a partisan basis.

Anaconda's Council has a chairman who is elected by the members of the Council from their own number for a term established by ordinance. The chairman of the Council presides over all Committee-of-the-whole meetings of the Council and presides over the Council in the absence of the Mayor.

Anaconda's Council members are elected for overlapping terms of office.

The Anaconda Council is composed of twelve (12) members.

Community councils to advise the Council members may be authorized by ordinance.

The term of office of Anaconda's elected officials is four (4) years.

Anaconda has general government powers.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

DEER LODGE COUNTY

If retained by the voters, the government of Deer Lodge County shall be organized under the following provisions of Section 47-A-3-205: Revised Codes of Montana 1947.

- (1) (3) (c) (i)
- (2) (a) (iii) (3) (d) (i)
- (2) (b) (i) (3) (e) (i)
- (2) (c) (i) (3) (f) (i)
- (2) (d) (ii) (3) (g) (i)
- (2) (e) (ii) (3) (h) (i)
- (2) (f) (ii) (3) (i) (i)
- (2) (g) (3) (j) (i)
- (3) (a) (i) (3) (k) (i)
- (3) (b) (i) (4)

These sections establish the following form of government which shall be called the Commission form.

We, the Study Commission of the County of Deer Lodge, do hereby certify that this is the existing plan of government for the County of Deer Lodge as established by Section 47A-3-205: Revised Codes of Montana 1947.

ATTEST:

Helen L. Lovell
Helen Lovell - CLERK AND
RECORDER OF DEER LODGE
COUNTY

In testimony whereof, we set our hands.

Done at City Hall this 26 day of

February, 1976.

Natalie S. Fitzpatrick
Natalie S. Fitzpatrick

Donald R. (Doc) Smith
Donald R. (Doc) Smith

Richard G. Harris
Richard G. Harris

Earl L. Sager
Earl L. Sager

Patrick J. McCarthy
Patrick J. McCarthy

EXISTING FORM OF GOVERNMENT IN DEER LODGE COUNTY

Deer Lodge County has a Commission form of government which consists of an elected Commission and other elected officers as provided in this section. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers reside in the Commission. The Commission appoints department heads and other employees other than those employees appointed by elected officials.

The size of the Commission is three (3) members and community councils to advise Commissioners may be authorized by ordinance.

Candidates for the Commission must reside in districts which are apportioned by population but Commissioners are voted at large.

The chairman of the Commission is the presiding officer of the Commission. All members of boards and committees are appointed by the chairman with the consent of the Commission. The chairman is recognized as the head of the local government unit and may vote as other members of the Commission. He is elected by the members of the Commission from his own number for a term established by ordinance.

The Commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

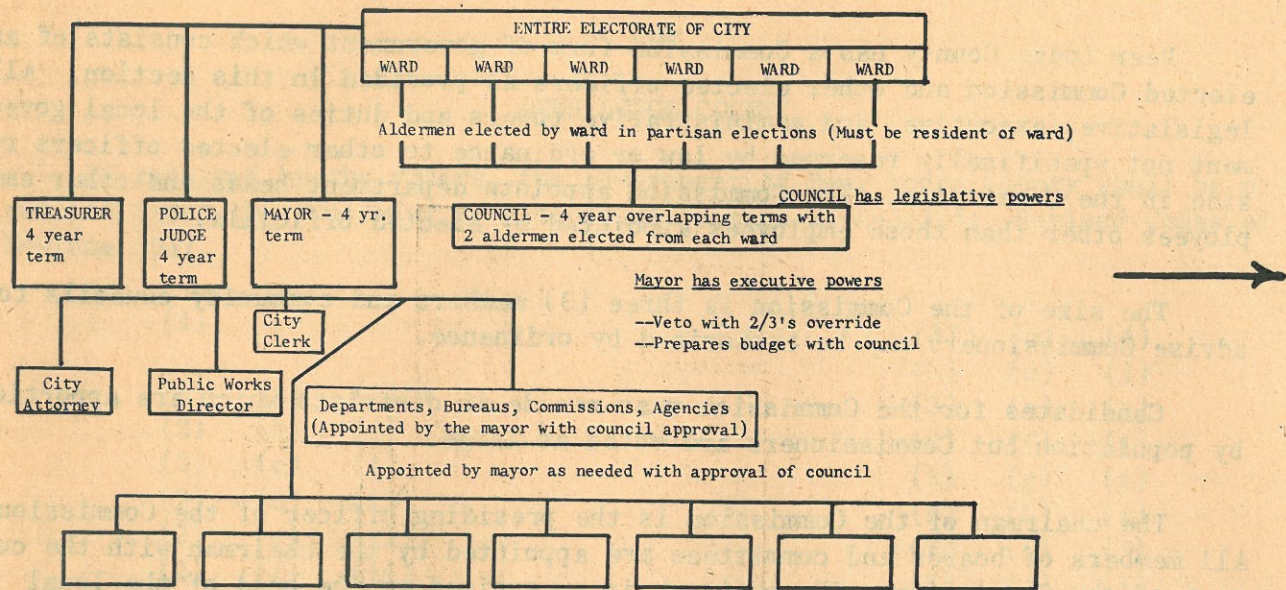
Commission members are elected for overlapping terms of office.

The term of office of the Commissioners is six (6) years. Other elected officials serve four (4) year terms.

Deer Lodge County also has the following elected officials: County Attorney, Sheriff, Clerk and Recorder, Clerk of District Court, Treasurer, Superintendent of Schools, Assessor and Coroner.

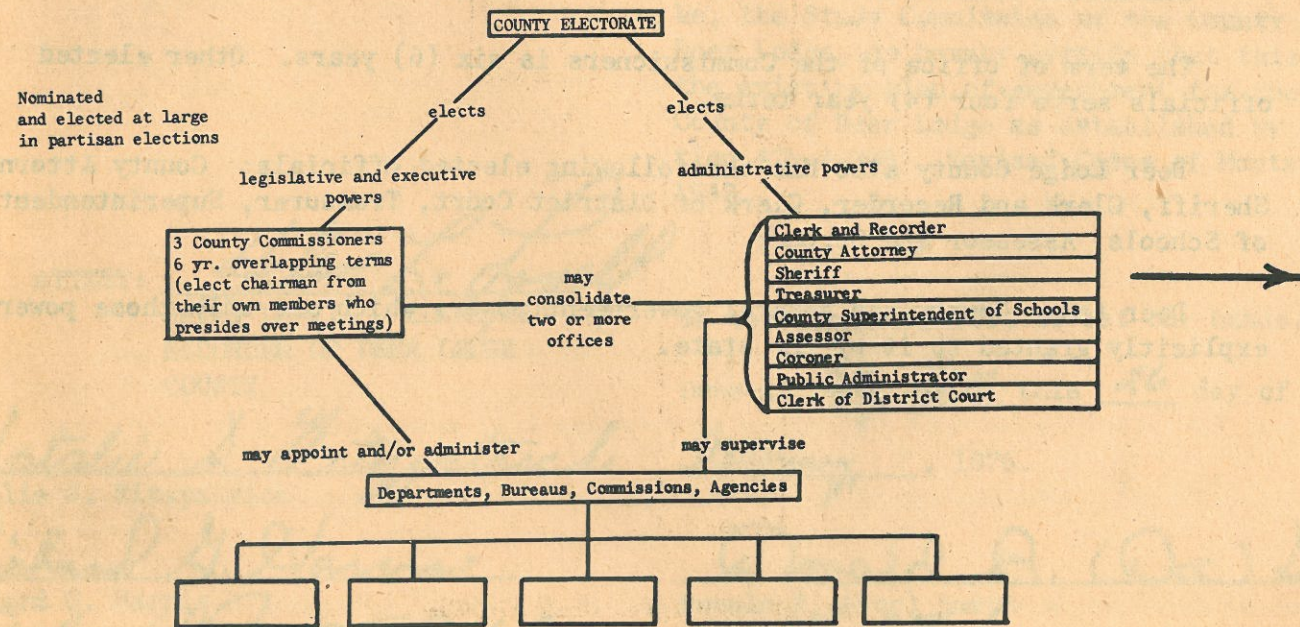
Deer Lodge County has general government powers which are only those powers explicitly granted to it by the state.

EXISTING
MAYOR-COUNCIL FORM

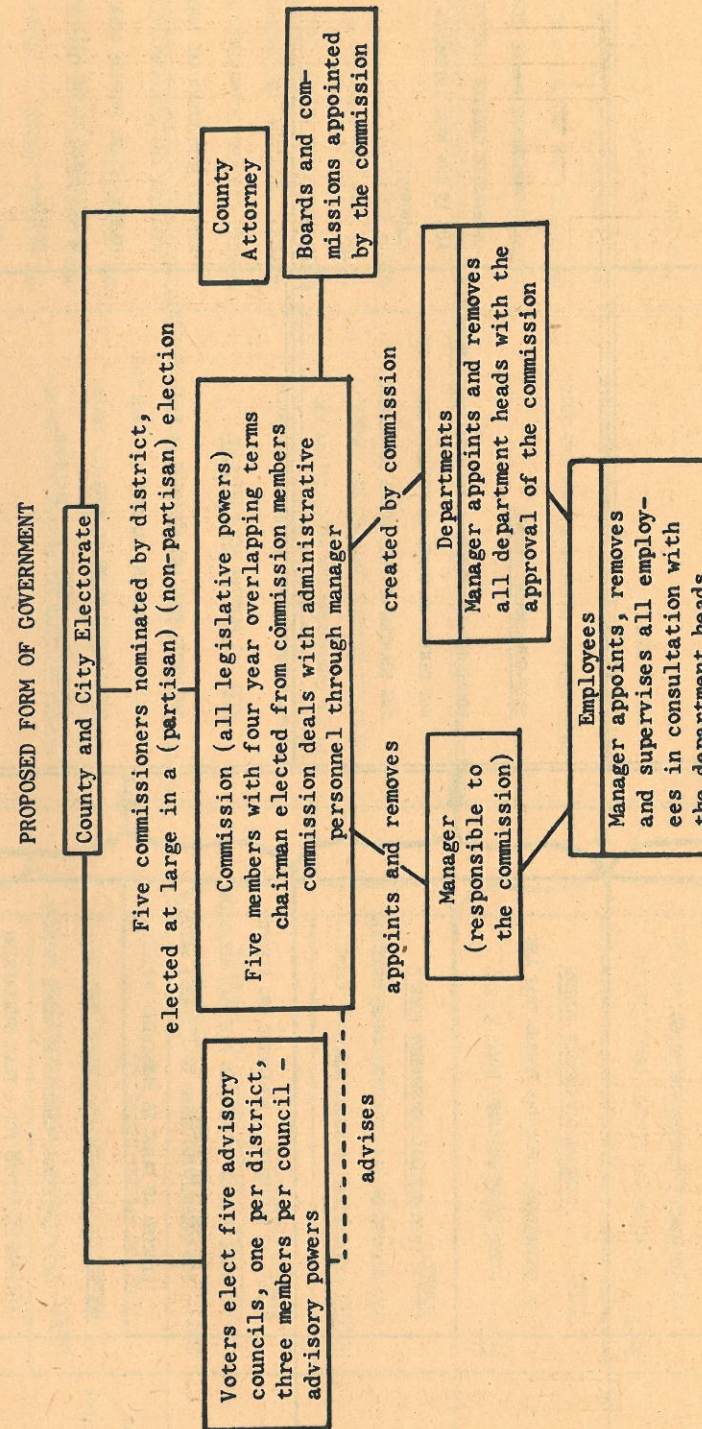


Citation: Section 11-701, Revised Codes of Montana 1947

EXISTING
COMMISSION FORM



ANACONDA-DEER LODGE COUNTY
PROPOSED FORM OF GOVERNMENT



-SEE COMPARISON, NEXT PAGES-

COMPARISON OF SPECIFIC CHARACTERISTICS

CHARACTERISTIC	EXISTING FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
<u>FORM OF GOVERNMENT</u>	<p><u>CITY:</u> COUNCIL - MAYOR FORM COUNCIL HAS LEGISLATIVE AND POLICY MAKING FUNCTION. MAYOR HAS EXECUTIVE AND ADMINISTRATIVE FUNCTIONS.</p> <p><u>COUNTY:</u> COMMISSION FORM COMMISSION HAS LEGISLATIVE, EXECUTIVE AND ADMINISTRATIVE FUNCTIONS.</p>	<p>CHARTER INCLUDING COMMISSIONER-MANAGER FORM</p> <p>COMMISSION HAS LEGISLATIVE AND POLICY-MAKING FUNCTIONS AND THE MANAGER HAS THE ADMINISTRATIVE DUTIES.</p>	<p>PROVIDES FOR A CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS. THE FORM ALLOWS SEPARATION OF LEGISLATIVE AND ADMINISTRATIVE RESPONSIBILITIES. IT PROVIDES FOR A PROFESSIONAL ADMINISTRATION.</p>
<u>POWERS</u>	<p><u>CITY:</u> GENERAL GOVERNMENT POWERS COUNCIL HAS ONLY THE POWERS THAT ARE GIVEN TO IT BY STATE LAW.</p> <p><u>COUNTY:</u> GENERAL GOVERNMENT POWERS COMMISSION HAS ONLY THE POWERS THAT ARE GIVEN TO IT BY STATE LAW.</p>	<p>SELF-GOVERNMENT POWERS</p> <p>LOCAL GOVERNMENT SHALL EXERCISE ALL POWERS NOT DENIED BY STATE OR FEDERAL LAW OR BY THE CHARTER OF THIS LOCAL GOVERNMENT.</p>	<p>SELF-GOVERNMENT POWERS GIVES THE COMMISSION GREATER FLEXIBILITY TO ACT IN THE BEST INTERESTS OF THE COMMUNITY.</p>
<u>GOVERNING BODY:</u> Size Election Term of Office Presiding Officer	<p><u>CITY:</u> 12 ALDERMEN, 2 NOMINATED AND ELECTED FROM EACH OF 6 WARDS IN PARTISAN ELECTION, FOR OVERLAPPING TERMS OF 4 YEARS; MAYOR ELECTED AT LARGE IS PRESIDING OFFICER.</p> <p><u>COUNTY:</u> 3 COMMISSIONERS, RESIDENTS IN EACH OF 3 DISTRICTS, ELECTED AT LARGE IN PARTISAN ELECTIONS FOR 6 YEAR OVERLAPPING TERMS; ALTERNATING CHAIRMAN ELECT/SENIORS</p>	<p>FIVE (5) PARTIME COMMISSIONERS</p> <p>NOMINATED FROM AND RESIDING IN EACH OF FIVE (5) DISTRICTS AND ELECTED AT LARGE FOR OVERLAPPING TERMS OF FOUR (4) YEARS. COMMISSION ELECTS ITS CHAIRMAN.</p>	<p>ASSURES BOTH URBAN AND RURAL PERSPECTIVE AND REPRESENTATION.</p> <p>SHORTER TERMS PROVIDE GREATER RESPONSIVENESS TO THE WILL OF THE PEOPLE.</p>
<u>DUTIES OF GOVERNING BODY AND CHIEF ADMINISTRATIVE OFFICER</u>	<p><u>CITY:</u> CITY COUNCIL HAS LEGISLATIVE AND POLICY MAKING DUTIES, PASSING ORDINANCES AND APPROVING BUDGET; MAYOR ADMINISTERS POLICY AND SUPERVISES ALL FUNCTIONS.</p> <p><u>COUNTY:</u> COMMISSION HAS ALL EXECUTIVE AND MANY ADMINISTRATIVE FUNCTIONS ARE SHARED WITH OTHER ELECTED OFFICIALS AND WITH VARIOUS BOARDS APPOINTED BY COMMISSION.</p>	<p>COMMISSION IS LEGISLATIVE AND POLICY-MAKING BODY</p> <p>PROFESSIONAL MANAGER, HIRED BY THE COMMISSION IS ADMINISTRATOR OF THE POLICY SET BY THE COMMISSION</p>	<p>COMMISSION IS FREED TO CONCENTRATE ON POLICY MATTERS. MANAGER IS RESPONSIBLE TO COMMISSION FOR THE ADMINISTRATION OF POLICIES. CLEAR LINES OF AUTHORITY AND RESPONSIBILITY CAN BE DEFINED.</p>

<u>OTHER ELECTED OFFICIALS</u>	<p><u>CITY:</u> CITY TREASURER AND POLICE JUDGE</p> <p><u>COUNTY:</u> CLERK AND RECORDER, COUNTY ATTORNEY SHERIFF, TREASURER, ASSESSOR, CLERK OF THE COURT, CORONER, SUPT. OF SCHOOLS, PUBLIC ADMINISTRATOR.</p>	<p>COUNTY ATTORNEY AND FIFTEEN (15) MEMBERS OF ADVISORY COUNCILS</p>	<p>INDEPENDENT OFFICERS ARE BROUGHT UNDER THE SUPERVISION OF THE MANAGER. QUALIFICATIONS FOR APPOINTED OFFICES CAN BE ESTABLISHED, BUT NOT FOR ELECTED OFFICES. ADVISORY COUNCILS ASSURE GREATER CITIZEN REPRESENTATION.</p>
<u>APPOINTMENT POWERS</u>	<p><u>CITY:</u> MAYOR APPOINTS CITY CLERK, CITY ATTORNEY DEPARTMENT HEADS WITH APPROVAL OF COUNCIL, OTHER EMPLOYEES AND BOARDS WITHOUT COUNCIL APPROVAL.</p> <p><u>COUNTY:</u> COMMISSION APPOINTS DEPARTMENT HEADS NOT ELECTED, MEMBERS OF BOARDS, COMMISSIONS, AND SPECIAL DISTRICTS.</p>	<p>COMMISSION APPOINTS AND REMOVES COUNTY MANAGER, MEMBERS OF BOARDS AND COMMISSIONS.</p> <p>MANAGER APPOINTS AND REMOVES ALL DEPARTMENT HEADS AND OTHER EMPLOYEES.</p>	<p>DEPARTMENT HEADS APPOINTED ON BASIS OF MERIT AND ARE RESPONSIBLE TO THE MANAGER. MEMBERS OF BOARDS AND OTHER COMMISSIONS APPOINTED BY THE COMMISSION.</p>
<u>BUDGET PREPARATION</u>	<p><u>CITY:</u> MAYOR WITH COUNCIL COMMITTEE AND CITY CLERK PREPARES BUDGET FOR APPROVAL BY CITY COUNCIL.</p> <p><u>COUNTY:</u> CLERK AND RECORDER PREPARES BUDGET WITH OFFICIALS AND DEPARTMENTS. MODIFIED AND OR APPROVED BY COMMISSION.</p>	<p>MANAGER PREPARES THE BUDGET AND SUBMITS TO THE COMMISSION FOR MODIFICATION AND APPROVAL. MANAGER EXECUTES THE BUDGET.</p>	<p>MANAGER BALANCES PRIORITIES AND NEEDS OF INDIVIDUAL DEPARTMENTS, WHILE COMMISSION ADJUSTS REQUESTS TO THE NEEDS AND RESOURCES OF THE ENTIRE COMMUNITY.</p>
<u>SERVICE DELIVERY STRUCTURE</u>	<p><u>CITY:</u> PERFORMED BY APPOINTED BOARDS AND DEPARTMENTS.</p> <p><u>COUNTY:</u> PERFORMED BY ELECTED OFFICIALS AND APPOINTED BOARDS, COMMISSIONS AND SPECIAL DISTRICTS</p>	<p>COMMISSION IS TO ORGANIZE SERVICES INTO FUNCTIONAL DEPARTMENTS UNDER SUPERVISION OF THE MANAGER.</p>	<p>FUNCTIONS NOW PERFORMED BY INDEPENDENT OFFICES AND BOARDS CAN BE BROUGHT UNDER SUPERVISION OF THE MANAGER FOR MORE EFFICIENT SUPERVISION AND OPERATION.</p>
<u>CITIZEN PARTICIPATION</u>	<p><u>CITY:</u> LIMITED TO ADVISORY BOARDS OR COMMITTEES APPOINTED BY MAYOR</p>	<p>ELECTED ADVISORY COUNCILS PROVIDE COMMUNICATION BETWEEN COMMISSIONER AND PEOPLE. ANY OTHER BOARDS AND COMMISSIONS CAN BE APPOINTED.</p>	<p>MORE CITIZEN PARTICIPATION AND INVOLVEMENT FROM ALL PARTS OF THE COMMUNITY IS PROVIDED FOR.</p>
<u>COMMUNITY COUNCILS</u>	<p><u>COUNTY:</u> LIMITED TO ADVISORY BOARDS OR COMMITTEES APPOINTED BY COMMISSION</p>		

CERTIFICATE

FOR

THE APPORTIONMENT OF THE COMMISSIONER DISTRICTS

Districts described by Enumeration District (ED) with population and deviation from ideal shown.

Total county population (1970 U.S. Census) - 15,652

Ideal - based on five (5) equally populated districts - 3,130

<u>Commissioner District</u>	<u>Enumeration District</u>	<u>Population</u>	<u>District Total</u>	<u>Deviation</u>
#1	11	426	3,230	(+100) + 3%
	12	805		
	15	885		
	16	1,114		
#2	7	514	3,450	(+320) + 10%
	9	883		
	10	371		
	13	917		
	14	765		
#3	4	929	3,091	(-39) - 1%
	5	664		
	6	623		
	8	875		
#4	1	67	3,045	(-85) - 3%
	2	2,978		
#5	3	210	2,836	(-294) - 9%
	17	1,469		
	18	67		
	19	923		
	20	167		

Enumeration Districts are recorded and described in the office of Deer Lodge County Clerk and Recorder at Anaconda, Montana.

We, the Joint Study Commissions of the City of Anaconda and the County of Deer Lodge, do hereby certify that this is the official apportionment plan for the Commissioner districts of Anaconda-Deer Lodge County.

In testimony whereof, we set our hands.

Done at City Hall this 26 day of February, 1976.

ATTEST:

Helen L. Lovell
Helen Lovell - CLERK AND
RECORDER OF DEER LODGE
COUNTY

John D. Haffey
John D. Haffey
Donald R. (Doc) Smith
Donald R. (Doc) Smith

John A. Petelin
John A. Petelin
Earl L. Sager
Earl L. Sager

ATTEST:

Regina Connor
Regina Connor - CLERK AND
RECORDER OF CITY OF ANA-
CONDA

Patricia I. Higgins
Patricia I. Higgins
Natalie S. Fitzpatrick
Natalie S. Fitzpatrick

David M. Beatty
David M. Beatty

Richard G. Harris
Richard G. Harris

John R. Durkin
John R. Durkin

Patrick J. McCarthy
Patrick J. McCarthy

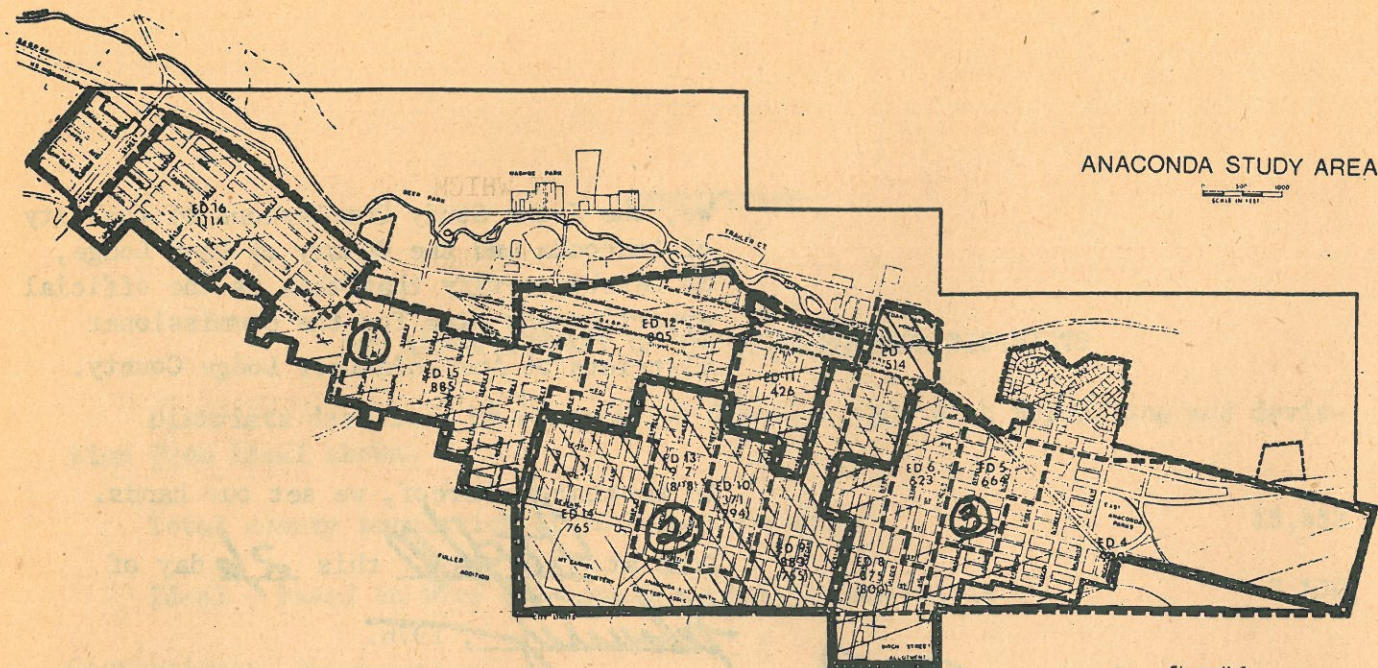
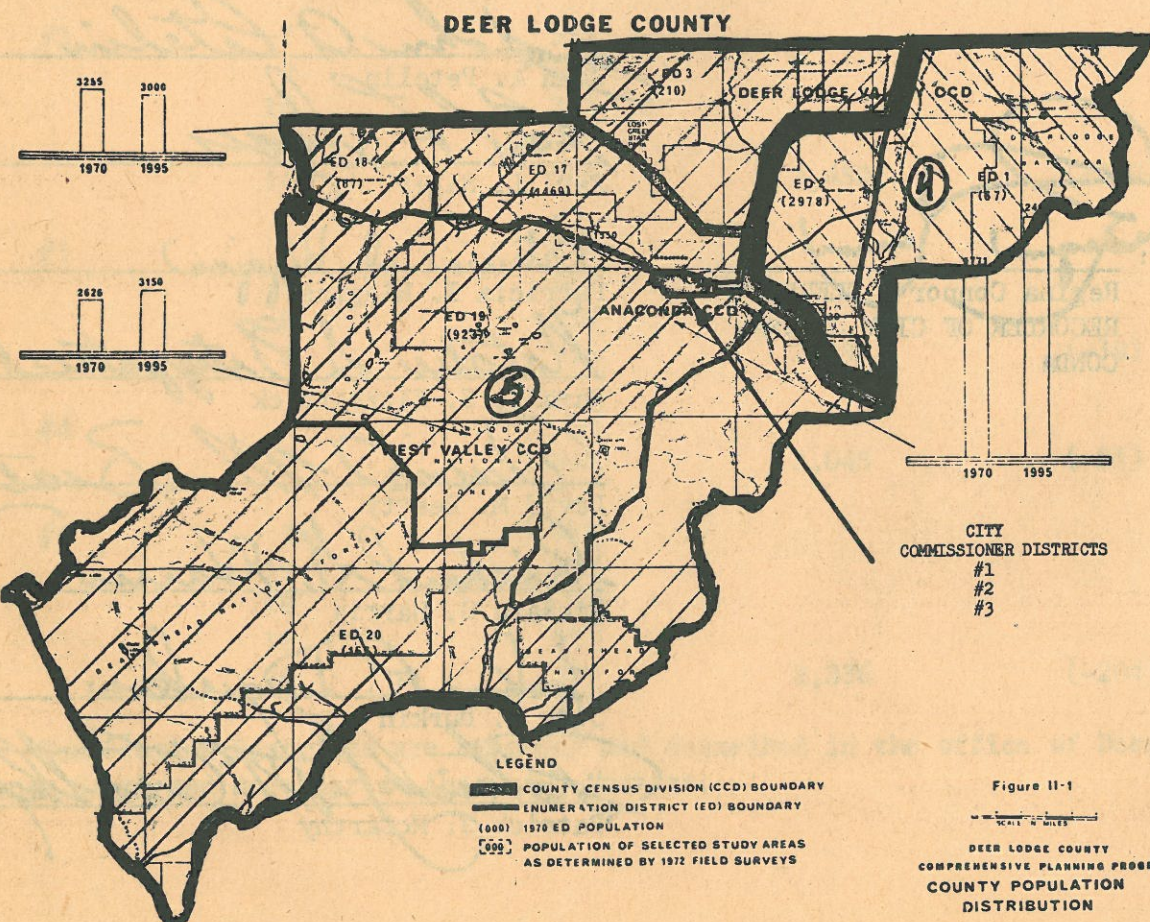


Figure II-2
DEER LODGE COUNTY
COMPREHENSIVE PLANNING PROGRAM

LEGEND
 - - - STUDY AREA BOUNDARY
 - - - ENUMERATION DISTRICT BOUNDARY
 (999) 1970 CENSUS POPULATION
 (999) 1971 POPULATION FROM URBAN RENEWAL SURVEYS

POPULATION DISTRIBUTION
 NORTHWEST PLANNERS
 HELLE, MONTANA



CITY COMMISSIONER DISTRICTS
 #1
 #2
 #3

Figure II-1
 DEER LODGE COUNTY
 COMPREHENSIVE PLANNING PROGRAM
 COUNTY POPULATION DISTRIBUTION

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CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF ANACONDA AND DEER LODGE COUNTY

The alternative form of government proposed by the Joint Study Commission of Anaconda and Deer Lodge County shall be submitted to the voters of Anaconda and Deer Lodge County at a special election to be held with the primary election on June 1, 1976.

We, the Joint Study Commission of the City of Anaconda and the County of Deer Lodge do hereby certify that this is the date of the special election approved by the Joint Study Commission of the City of Anaconda and the County of Deer Lodge.

ATTEST: Helen Lovell
 Helen Lovell - CLERK AND
 RECORDER OF DEER LODGE
 COUNTY

In testimony whereof, we set our hands.
 Done at City Hall this 26th day of
February, 1976.

ATTEST: Regina Connor
 Regina Connor - CLERK AND
 RECORDER OF CITY OF ANA-
 CONDA

John D. Haffey
 John D. Haffey
Donald R. (Doc) Smith
 Donald R. (Doc) Smith
John A. Petelin
 John A. Petelin
Earl L. Sager
 Earl L. Sager
Patricia I. Higgins
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Natalie S. Fitzpatrick
 Natalie S. Fitzpatrick
David M. Beatty
 David M. Beatty

Richard G. Harris
 Richard G. Harris
John R. Durkin
 John R. Durkin
Patrick J. McCarthy
 Patrick J. McCarthy

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR THE JUNE 1, 1976 SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preference. The final report containing the full text of the proposed form of government, the existing forms of government and the certificates of each form is available at your polling place.

OFFICIAL BALLOT

ON

ALTERNATIVE FORM OF LOCAL 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 proposed consolidated city-county Charter form of government.

For retention of the existing forms of government.

2. VOTE FOR ONE

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

County Commissioners and advisory council elections:

Shall be conducted on a partisan basis (political party identification).

Shall be conducted on a non-partisan basis (no political party identification).

We, the Joint Study Commission of the City of Anaconda and the County of Deer Lodge, do hereby certify that this is the official ballot approved by the Joint Study Commission of the City of Anaconda and the County of Deer Lodge.

In testimony whereof, we set our hands.

Done at City Hall this 30th day of April, 1976.

John D. Haffey
John D. Haffey

Donald R. (Doc) Smith
Donald R. (Doc) Smith

John A. Petelin
John A. Petelin

Earl L. Sager
Earl L. Sager

Patricia I. Higgins
Patricia I. Higgins

Natalie S. Fitzpatrick
Natalie S. Fitzpatrick

David M. Beatty
David M. Beatty

Richard G. Harris
Richard G. Harris

John R. Durkin
John R. Durkin

Patrick J. McParthy
Patrick J. McParthy

ATTEST:

Helen Lovell
Helen Lovell - CLERK AND
RECORDER OF DEER LODGE
COUNTY

ATTEST:

Regina Connor
Regina Connor - CLERK AND
RECORDER OF CITY OF ANA-
CONDA

SUMMARY

ONE COMMUNITY -- ONE GOVERNMENT

Voter Review allows us, the people of Anaconda-Deer Lodge County, to have a "local constitution". Our Charter gives us great flexibility in both structure and powers to meet the unique needs of our one community. The advantages of consolidation, the Commission-Manager form, self-government powers, and writing a Charter have been documented throughout this report. We have everything to gain -- economy, efficiency, responsiveness, and representation -- in adopting this Charter. Most important, this is our Charter -- it belongs to and has been created by the people of this community acting through their elected study commissions. The final product is strong local government controlled directly by the people.

You are the final judge on June 1, 1976!

