

Cascade  
County  
Study  
Commission

*Your Choice,  
Your Voice  
For Improved  
County Government*

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Courthouse Annex, Room 104 / 325 Second Avenue North / Great Falls, Montana 59401 / (406) 727-3311

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A TENTATIVE PROPOSAL FOR A CHANGE IN THE  
FORM OF GOVERNMENT FOR CASCADE COUNTY, MONTANA

TO THE VOTERS OF CASCADE COUNTY:

Please find herein, the Tentative Proposal for a change in Cascade County Government as proposed by the elected Cascade County Study Commission. This proposal contains several documents as required by the laws of the State of Montana. Attached here you will find the following:

- (1) A proposed charter for anew form of government for Cascade County which consists of an elected County Commission serving part time and an elected County Executive, with elective and appointed officials.
- (2) The certificate showing the legal basis for the present form of Cascade County Government, which consists of three full-time Commissioners and 10 elected officials.
- (3) A certificate for the apportionment of commissioner districts which is just a sample. The exact apportionment is being done at MSU and the commissioner districts will be set out in the final report, together with a descriptive map.
- (4) A chart comparing the existing form of county government with the proposed form for Cascade County.
- (5) A certificate establishing a date of an election at which the alternative proposal will be voted upon.
- (6) A certificate establishing the official ballot.
- (7) A certificate establishing dates of the first primary and general elections if the alternative plan of government is adopted by the voters.

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The Cascade County Study Commission urges the reader to review the proposed charter especially and give opinions to the Commission. The final report and proposal must be completed by August 21, 1986. Two public hearings will be held on this proposal at the Cascade County Courthouse in a 3rd. floor courtroom on August 12th. and 14th. at 7:30 P.M. Write the Commission, attend a meeting or call at 727-3311 with your opinion. PLEASE LET THE COMMISSION HEAR YOUR VIEWS BEFORE AUGUST 21ST! ! ! !

C H A R T E R  
for  
C A S C A D E    C O U N T Y

PREAMBLE - (to be drafted)

ARTICLE I - GENERAL PROVISIONS

Section 1 - Charter Government

The County of Cascade, Montana establishes this Charter form of government in accordance with Article XI, Section 5 of the 1972 Constitution of the State of Montana.

Section 2 - Name, Boundaries and county Seat

The corporate name of this county shall be Cascade County, Montana. The boundaries and county seat shall not be affected by this charter.

Section 3 - Definition of Rights

The rights of the people shall be as defined in the Constitution of the United States and the Constitution of the State of Montana. Nothing in this Charter abridges any of those rights.

#### Section 4 - General Powers of the County

A. Cascade County has all powers that a self-government powers county may have under the Constitution and laws of the United States and the State of Montana as fully and completely as though they were specifically enumerated in this Charter.

B. It is intended that this Charter confer the greatest power of local self-government consistent with the Constitution and laws of the State of Montana. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the county, but shall be considered as an addition to and supplement to, or explanatory of, the powers conferred in general terms by this Charter.

#### Section 5 - Charter Supremacy

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

#### Section 6 - Intergovernmental Cooperation

A. Cascade County may engage in intergovernmental cooperation as provided in Article XI, Section 7 of the Constitution of Montana.

B. The qualified electors of the county may, by initiative, require or prevent such intergovernmental cooperation.

Section 7 - Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of the State of Montana.

ARTICLE II - SPECIFIC POWERS AND LIMITATIONS

Section 1 - Limit on Property Taxes

The Commission, nor any other official or agent of the county, may not levy county-wide more than 94 mills on real and personal property for all purposes. The mill levy on real and personal property may be increased only by an affirmative vote of a simple majority of the electors voting on such an initiative or referendum.

Section 2 - New Taxes Limitations

No taxes not now permitted for self-government counties may be imposed, even though authorized by law, except by affirmative vote of the electors voting on such an initiative or referendum.

Section 3 - Fees

All licence fees, user fees, sewer fees, permit fees, or utility fees must be levied by ordinance.

## ARTICLE III - LEGISLATIVE BRANCH

### Section 1 - General Power

The legislative power of the county government is vested in the Board of County Commissioners and may be exercised only by ordinance or resolution. The legislative power of the county not reserved to the people or to the Chief Executive Officer shall be vested in the Commission.

### Section 2 - Composition

The Commission consists of five part-time Commissioners, each of whom must reside in a district as defined in this Charter. The Commissioners shall be nominated from districts and elected at large by a majority of the electors voting in Cascade County. Members of the Commission shall be elected for four-year overlapping terms, must reside within their district during the term of office for which they are elected, and must be qualified voters of Cascade County.

### Section 3 - Compensation

The Commission shall establish by ordinance the annual compensation of its members, the presiding officer, the Chief Executive Officer, and all other elected officials and the number and compensation of the assistants of all other elected officials. However, the annual salary of elected officials may not be decreased during their current terms of office.

#### Section 4 - Presiding Officer

The Commission shall annual elect from its members a chair and a vice-chair, who may vote as other members of the Commission, to preside over meetings of the Commission.

#### Section 5 - Relationship with Other Branches

Except in the performance of its legislative functions under this Charter, the Commission, its members, staff and presiding officer shall have no power to direct, either publicly or privately, any officer or employee subject to the direction and supervision of the Chief Executive Officer or other elected official. Neither the Commission, its members, nor the presiding officer may in any manner dictate the appointment or removal of any county administrative officer or employee whom the Executive or other elected official or subordinate is empowered to appoint.

#### Section 6 - Rules of Procedure

The Commission shall enact, by ordinance, rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption or rejection of ordinances, provided that:

- a) The Commission shall meet regularly at least semi-monthly.
- b) All meetings shall be open to the public, except as authorized by law.
- c) A verbatim public record shall be kept of each meeting by electronic or mechanical means for a reasonable period of time as provided by law.

Section 6 - Rules of Procedure (cont.)

- d) Written minutes shall be promptly recorded, said minutes to include a summation of the actions and discussions forthcoming from each Commission meeting, as well as a record of the vote of each Commission member.
- e) An agenda shall be provided to the public within a reasonable time before each meeting and members of the public shall always be allowed to come before the Commission.

Section 7 - Quorum

A majority of the Commission constitutes a quorum for the transaction of Commission business, but a lesser number may meet and, in a manner prescribed by the Rules of Procedure of the Commission, compel the attendance of absent members, under powers of subpoena if necessary.

Section 8 - Advisory Board to the Commission

There shall be elected from each Commission District two persons, to act together as a ten member advisory board to the Commission. Such members shall serve without pay or reimbursement of any kind. The members of this board shall be elected for two year terms and shall be elected in the general election commencing in November 1988. Each member so elected must be a qualified elector of Cascade County and reside in the District from which she/he is elected during the complete term.

Section 8 - Advisory Board to the Commission (cont.)

This advisory board shall advise the Commission on policy concerns of the advisory board. Such board may meet on its own and shall have representation at each Commission meeting. The Commission must act upon any requests for action presented by the advisory board within sixty days of such request. The advisory board may also give opinions on policy decisions faced by the Commission and the Commission may seek the advice of the board whenever necessary.

Section 9 - Commission to Establish Duties of Other Elected Officials

The Commission may establish, by ordinance, additional qualifications, duties and responsibilities of each county department head, other than the Chief Executive Officer. Until the adoption of such ordinances, the laws of the State of Montana regulating the function of such department shall apply.

Section 10 - Ordinances

Every legislative act shall be by ordinance. The subject of every ordinance shall be clearly stated in the title and no ordinance shall contain more than one comprehensive subject. Ordinances or summaries of them, the places where copies are filed, and the time when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment. The procedures shall be:

- a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.



Section 10 - Ordinances (cont.)

- b) Ordinances, may by reference, adopt Montana Statutes, or any recognized, printed codes or compilations in whole or in part.
- c) At least thirteen days shall pass between the introduction and the final passage of every ordinance, except emergency ordinances. Every ordinance shall be introduced in its entirety in writing.
- d) Every ordinance which is adopted by the Commission must be presented to the Executive. If approved by the Executive, the ordinance shall be signed by the Executive and become law as provided in this section. If not approved by the Executive, the entire ordinance shall be vetoed and returned with the Executive's written objections, which shall be entered in the journal of Commission proceedings. If, within thirty days after being returned to the Commission, the ordinance receives the affirmative vote of a majority plus one of the entire Commission, it shall become law. If the Executive does not either sign or veto an ordinance within ten days, Saturdays, Sundays and holidays excepted, after presentation of the ordinance by the Commission, it shall become law without the Executive's signature.
- e) Except as other provided in this Charter, all ordinances shall take effect thirty days after the date they are signed by the Executive or otherwise enacted or at a later date if stated in the ordinance.

Section 11 - Emergency Ordinances

An ordinance necessary for the immediate preservation of the public peace, health or safety, or support of the county government and its existing institutions may be passed by a majority plus one affirmative vote of the Commission, which shall be effective immediately when approved by the Executive, with the following provisions:

- a) No emergency ordinance may levy taxes.
- b) No emergency ordinance may grant, renew or extend a franchise.
- c) No emergency ordinance may regulate the rate charged by any utility.
- d) No emergency ordinance may authorize the borrowing of money for more than one hundred twenty days.
- e) An emergency ordinance shall be introduced and passed or rejected in the manner prescribed for ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.
- f) The provisions of every emergency ordinance, except one making appropriations from an emergency reserve for one hundred twenty days, or less, shall remain in effect for no more than ninety days following the date on which the ordinance became law.

## Section 12 - Resolutions

The Commission shall, by resolution, confirm or reject appointments by the Executive within thirty days of the date the name or names are submitted to it.

The Commission may, by resolution:

- a) organize and administer the legislative branch;
- b) make declarations of policy which do not have the force of law;
- c) request information from any department of county government.

Resolutions may be submitted and adopted at a single meeting of the Commission and shall not be subject to the veto power of the Executive.

## Section 13 - Codification of Ordinances

All ordinances of the county which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be codified in a code which shall be adopted by ordinance and shall be known as the Cascade County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the main regional library and in the office of the Executive and wherever else the Commission deems appropriate.

ARTICLE IV - EXECUTIVE BRANCH

Section 1 - Composition and Powers

A. The Executive Branch shall be composed of the following elective and appointive departments:

ELECTIVE	APPOINTIVE
a) Executive,	h) Clerk of Court
b) Legal,	i) Clerk and Recorder
c) Law Enforcement,	j) Public Works
d) Public Administration,	k) Property Development and Evaluation
e) Finance,	l) Health and Human Services
f) Auditing,	m) Agriculture
g) Education.	

B. The Executive Branch shall have all executive powers of the county under this Charter. One department head, either elective or appointive, may administer more than one of the appointive departments at the direction of the Executive. Any other offices, boards or departments established by this Charter or created by the Commission, except those with quasi-judicial powers, shall be part of the Executive Branch.

Section 2 - Chief Executive Officer

The Chief Executive Officer shall be the chief executive and administrative officer of the county. She/he shall be responsible for the administration of all county affairs placed in her/his charge by this Charter, by law, by ordinance or by resolution.

Section 3 - Election, Term of Office and Compensation

The Executive shall be elected for a four year term. The Executive shall receive compensation as determined by the Commission, which compensation shall not be diminished during the current term of office.

Section 4 - Powers and Duties

The Executive shall have the power to:

- a) direct, organize, supervise and administer all departments, divisions, agencies, bureaus, boards and offices of the county;
- b) carry out policies established by the Commission;
- c) execute and enforce all laws, ordinances and resolutions;
- d) prepare and present an annual budget to the Commission;
- e) prepare and present to the Commission an annual statement of the governmental affairs of the county and any other report which she/he may deem necessary;
- f) report to the Commission on the fiscal affairs and financial condition of the county;
- g) prepare and present to the Commission comprehensive plans including capital improvement plans for the present and future development of the county;
- h) make recommendations to the Commission;
- i) attend Commission meetings and participate in the discussion, but shall have no vote;
- j) appoint a professional or experienced administrative assistant, if needed;

Section 4 - Powers and Duties (cont.)

- k) exercise control and supervision over all county boards to the degree authorized by ordinance or law;
- l) sign, or cause to be signed, on behalf of the county all claims, deeds, bonds and notes, contracts and other instruments;
- m) veto any ordinance adopted by the Commission, as prescribed in this Charter;
- n) perform such other duties required by the commission, or in the execution of her/his responsibilities.

Section 5 - Appointments by Chief Executive Officer

A. The Executive shall appoint the department head of each executive department, except elected offices, and shall appoint the members of all boards and commissions, except as otherwise provided in this Charter or by law. The appointments made by the Executive shall be subject to confirmation by a majority of the Commission.

B. The department heads, appointed by the Executive, shall be titled as follows:

- a) Clerk of Court - Clerk of Court Office,
- b) Clerk and Recorder - Clerk and Recorder Office,
- c) Public Works Director - Public Works Department,
- d) Assessor - Property Development and Evaluation,
- e) Health and Human Services Director - Health and Human Services,
- f) Director of Agriculture - Agriculture Department.

Section 5 - Appointments by Chief Executive Officer (cont.)

Subject to confirmation by the Commission, appointed department heads shall serve at the will of the Executive and shall be subject to annual review. The duties and compensation of each office shall be established by the Commission, which compensation shall not be diminished during their term of office.

C. The Clerk of Court, Clerk and Recorder, Public Works Director, Assessor, Health and Human Services Director, and Director of Agriculture shall be appointed and perform such duties required and have such powers as are authorized by the Constitution of Montana, Montana State Statute, this Charter or any county ordinance.

Section 6 - Elected Department Heads

A. The elected department heads nominated and elected by the voters of Cascade County shall be titled as follows:

- a) County Attorney - Legal,
- b) Sheriff-Coroner - Law Enforcement,
- c) Public Administrator - Public Administration,
- d) Treasurer - Department of Finance,
- e) Auditor - Auditing,
- f) Superintendent of Schools - Education.

The terms of office shall be four years and until their successors are elected and qualified. These officials shall receive compensation as determined by the Commission, which compensation shall not be diminished during their term of office.

Section 6 - Elected Department Heads (cont.)

B. The County Attorney, Sheriff-Coroner, Auditor, Public Administrator, Treasurer, and Superintendent of Schools shall be elected in accordance with procedures set forth in this Charter and shall have the powers and duties of their respective offices as provided by the Constitution of Montana, Montana State Statute, this Charter and county ordinance, except that the Auditor shall serve as chief accounting compliance officer and program compliance officer, and the Treasurer shall serve as chief officer of the finance office which consolidates all the financial functions of the county, including those previously administered by other county departments.

Section 7 - Appointments by Department Heads

The department head of each executive department shall appoint the employees of her/his department. The department head shall comply with the rules of the personnel system when appointing such employees.



ARTICLE V - ADMINISTRATIVE STRUCTURE AND ORGANIZATION

Section 1 - Purpose

The Commission shall provide, by ordinance, for a Plan of Operations which shall include the administrative structure and procedures necessary to carry out the provisions of this Charter and the obligations imposed on the county by state law. Such ordinance must be designed to promote efficiency in county operations, eliminate duplications and overlapping responsibilities, and respond to the changing needs and priorities of county government.

This Plan of Operations shall be reviewed every five years for effectiveness, completeness and accuracy, and amended as required. This review shall be conducted by a five member commission consisting of three Advisory Board members, one Commissioner, and the Auditor.

Section 2 - Service Delivery

The activities under the direction and supervision of the Executive shall be organized on the basis of function and distributed among such departments and agencies as are established by this Charter and by ordinance.

### Section 3 - Personnel System

The Commission shall establish and maintain, by resolution, a personnel system for the county which shall assure recruitment, selection, and retention of county employees on the basis of knowledge, skill, and ability. Compensation shall be based on job evaluation of skill, effort, responsibility, and working conditions. The Executive shall administer the personnel system of the county in accordance with the personnel policy adopted by the Commission.

This ordinance shall be adopted by July 1, 1988.

### Section 4 - Budgetary Procedures

The Commission shall exercise fiscal control by maintaining a balanced budget for the county in which appropriations shall not exceed anticipated revenue.

The Commission shall also, by ordinance, adopt county purchasing policies and procedures, which ordinance shall be adopted by July 1, 1988.

The Executive shall make available to the public a document detailing the proposed budget in comparison with estimated and actual expenditures for the last two fiscal years.

### Section 5 - Subordinate Service Districts

The Commission may establish, by ordinance, subordinate service districts in the county to enable more than one service to be provided in a district under a single administrative and financing system.

## ARTICLE VI - ELECTIONS

### Section 1 - Procedure

The procedure for nominating and electing all county officials shall be the manner prescribed by Montana State Statute for the nomination and election of partisan county officials, and non-partisan judicial candidates.

### Section 2 - Qualifications

Qualifications, duties and responsibilities for all elected county officials shall be defined elsewhere in this Charter. In addition, the official shall:

- a) be a registered voter of the State of Montana;
- b) be a resident of Cascade County;
- c) and Commissioners shall reside in the districts from which they are nominated for their full term of office.

### Section 3 - Term of Office

All elected officials shall be elected for four year terms.

### Section 4 - Recall Provision

An elective officer of the county may be recalled in the manner and with the effect prescribed by Montana State Statute.

Section 5 - Vacancies

An elective office shall become vacant upon the incumbent's:

- a) death,
- b) recall,
- c) total permanent incapacity as determined by a panel of physicians,
- d) absence from the county for thirty days without being excused by a majority of the Commission,
- e) failure to maintain residency requirements,

In addition, a Commissioner's absence from three consecutive regular meetings of the Commission without being excused by a majority of the Commission shall cause her/his office to be vacated.

The Commission shall fill a vacancy in the interim before the next county election from a list of three people, submitted by the county central committee of the political party represented by the official in office immediately prior to the declaration of vacancy, except in the case of applicable non-partisan positions which shall be filled entirely at the discretion of the Commission. All persons appointed to fill vacancies shall meet the qualifications for office set in this Charter.

Vacancies in an elective position shall be filled by county ballot at the next November General Election.

ARTICLE VII - DISTRICTS AND APPORTIONMENT

Section 1 - Boundaries

The boundaries of each of the five Commission districts shall correspond as nearly as practicable with boundaries of election precincts and shall be drawn to produce districts with compact and contiguous territory, composed of geographic units and natural communities which are approximately equal in population. Until modified in accordance with provisions of this Charter, Commission districts shall be as shown on the accompanying Certificate Plan of Apportionment.

Section 2 - Reapportionment

A. The county shall reapportion itself every ten years. A five member reapportionment committee shall be appointed after the publication of the federal decennial census and within sixty days after the effective date of the final plan for redistricting and reapportioning the state into legislative districts. The Commission shall appoint four persons of whom two shall be from each major political party. Those four shall appoint the fifth member, who shall serve as the chair. In the event the four cannot agree on a fifth member, the chief judge of the Eighth Judicial District Court shall appoint the chair.

Section 2 - Reapportionment (cont.)

B. The officials responsible for preparing a districting and apportionment plan shall consider the problems of conforming present precinct boundaries to the new districts as well as existing boundaries of wards, school districts, and other districts.

C. The county reapportionment committee shall submit its plan to the Commission at a regularly scheduled meeting within ninety days from the date the chair of the county reapportionment committee is selected. Within thirty days after submission, the Commission shall return the plan to the county reapportionment committee with its recommendations. Within thirty days thereafter, the county reapportionment committee shall file its plan with the elections administration and it shall become law. The county reapportionment committee is then dissolved.

Section 3 - No Changes

No reapportionment is necessary if the county reapportionment committee determines that there has been no significant change in the population or distribution within the county since the last reapportionment review.

ARTICLE VIII - AMENDMENTS TO CHARTER

Section 1 - Authorized by Right to Petition

An amendment to this Charter may be proposed by a resolution of the Commission or by initiative petition signed by the registered electors of the county in a number equal to fifteen percent of the number of votes cast for the successful Chief Executive Officer candidate in the previous general election.

Section 2 - Resolution or Petition to Set Out Section

The resolution or initiative petition shall set out fully the section or sections sought to be amended and the proposed amendment.

Section 3 - Election on Initiatives

An election on the amendment proposed by resolution or initiative petition shall be held at a special election or the next general election of the county.

Section 4 - Election Conducted as Provided by State Law

The election on the question of amendment shall be conducted as provided by state law.

Section 5 - Repeal of the Charter

Any proposal to repeal this Charter shall include provisions for an alternative plan of government authorized by law and shall be processed as provided by law.

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 1 - Severability

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE X - TRANSITIONAL PROVISIONS

Section 1 - Purpose

The provisions of this article relate to the transition from the existing form of government to the form of government established by this Charter, and where inconsistent with other articles of this Charter, the provisions of this article shall constitute exceptions.

Section 2 - Effective Date and Election

The effective date of this Charter shall be January 1, 1987. 1989  
The incumbent County Commissioners shall continue to act as the governing body, as they have in the past, until the new governing body and Chief Executive Officer are elected and qualified.



Section 2 - Effective Date and Election (cont.)

A special nominating primary and a general election shall be held April 7, 1987 and May 26, 1987 respectively, to elect the five County Commissioners and the Chief Executive Officer. All other department heads specified to be elected in this Charter shall serve out their current terms. Those department heads formerly elected and not appointed under this Charter shall serve out their terms under the provisions of this Charter.

The nominating primaries and general election shall be conducted in accordance with the provisions of Montana State Statute.

All state laws, ordinances resolutions, policies, and other rules in force at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of the Charter, shall remain in force until amended or repealed.

All rights, claims, obligations, proceedings, and liabilities either in favor or or against the county, and any criminal proceedings existing on the effective date of this Charter, shall not be affected by the adoption of this Charter.

Section 3 - Initial Qualifications

Each county officer holding an elective office shall be, at the time of appointment or filing for election, and at all times while holding office, a citizen of the United States and a resident and registered voter of Cascade County.

Section 3 - Initial Qualifications (cont.)

Commissioners shall maintain residency in their respective commission districts during the term for which they were elected. No commission district boundary change shall disqualify the Commissioner from holding office during the remainder of the term of office.

Section 4 - Commencement of Term of Office

A. The incumbent, full-time Commissioners elected in the general elections of 1982, 1984, and 1986 shall serve as County Commissioners of their then respective districts from the effective date of this Charter until their successors are elected at the general election in 1987, have qualified, and have commenced their terms of office.

The newly elected County Commissioners shall take office thirty days after certification of election. The Commissioners' terms of office shall be staggered and initially be as follows:

Commissioner A: elected 1987 - serves through 1992,

Commissioner B: elected 1987 - serves through 1992,

Commissioner C: elected 1987 - serves through 1992,

Commissioner D: elected 1987 - serves through 1990,

Commissioner E: elected 1987 - serves through 1990.

Thereafter, the terms of office shall be four years and elections held on even numbered years, the same as federal and state elections.

B. The Chief Executive Officer shall be elected in the general election of 1987.

The Executive's first term of office shall begin thirty days from certification of election and continue through 1990. Thereafter, the position shall have four year terms.

Section 5 - Compensation of County Officials

A. During the three year transition period, the initial compensation of part-time County Commissioners shall be \$500 per month and thereafter the salary per month shall be established by ordinance, which compensation shall not be reduced during a current term of office.

B. During the three year transition period, the initial compensation of the Chief Executive Officer shall be \$3,000 per month and thereafter the salary per month shall be established by ordinance, which compensation shall not be reduced during a current term of office.

C. The total compensation of the five member part-time Commission, together with the Chief Executive Officer, shall not exceed the total compensation of a three member full-time County Commission, as specified in Montana Code Annotated.

D. The compensation of the remaining department heads, except the County Attorney, shall be \$2,000 per month and thereafter the salary per month shall be established by ordinance, which compensation shall not be reduced during a current term of office. The County Attorney shall continue to receive compensation as set by Montana Code Annotated.

Section 6 - Compensation of County Employees

All other county employees, employed by the county on the effective date of this Charter, shall continue in county employment at as nearly a similar position as possible considering any reorganization and department transfers that may occur. They shall receive not less than the same rate of compensation and benefits which they were receiving on the effective date of this Charter. Thereafter, county employees shall be covered by the personnel policy, unless appointed to a management position, and shall be subject to all its rules, except the rules concerning initial employment, if any.

Section 7 - Advisory Boards, Commissions and Committees

All advisory boards, commissions, and committees existing when this Charter takes effect shall continue until modified or abolished by ordinance.

Section 8 - County Budget

The budget for fiscal year ending June 30, 1987 shall remain in effect until revised or superseded by the Commission.

Section 9 - Required Ordinances and Resolutions

The following ordinances and resolutions are required by this Charter and shall be adopted within two years of the adoption of this Charter:

- a) County Commission Rules of Procedure,
- b) County Personnel Policy and System,
- c) County Purchasing Policy and Procedures.

Section 10 - Repeal of Transition Article

Repeal of this transition article may only occur after three years past the date of adoption of this Charter, providing all terms of the transition article have been met.

The transition period shall not exceed three years.

CERTIFICATE  
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT  
FOR  
CASCADE COUNTY

Upon approval of the majority of voters the government of Cascade County shall be organized under the following provisions of Title 7, Chapter 3, Part 7 of Montana Code Annotated and shall be governed by the following sections:

- (a) 7-3-701;
- (b) 7-3-702;
- (c) 7-3-703;
- (d) 7-3-704 (1) and (2)(d);
- (e) 7-3-705;
- (f) 7-3-706;
- (g) 7-3-707;
- (h) 7-3-708;
- (i) 7-3-709.

And, Title 7, Chapter 3, Part 2 of Montana Code Annotated and shall be governed by the following sections:

- (a) 7-3-201;
- (b) 7-3-202 (2);
- (c) 7-3-203;
- (d) 7-3-212 (2);
- (e) 7-3-213 (3);
- (f) 7-3-214 (1);
- (g) 7-3-215 (1);
- (h) 7-3-216 (2);
- (i) 7-3-217 (1);
- (j) 7-3-218 (3);
- (k) 7-3-219 (1);
- (l) 7-3-220 (1);
- (m) 7-3-221 (1);
- (n) 7-3-222 (2);
- (o) 7-3-223 (2);
- (p) 7-3-224.

These sections establish the following form of government which shall be called a CHARTER form in this county.

We, the Study Commission of Cascade County, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of Cascade County.

In testimony whereof, we set our hands.

Cascade  
Done at County this First  
day of August, 1986

ATTEST: Joe Propola  
CLERK & RECORDER OF  
*By R. L. Balteman Chief Deputy*  
CASCADE COUNTY

Sandra K. Watts  
Sandra K. Watts, Chairperson

R.K. Haffner  
R.K. Haffner

Joan Bennett  
Joan Bennett

Larry Strizich  
Larry Strizich

Susan Rice Quinn  
Susan Rice Quinn  
Local Government Study Commissioners

CERTIFICATE  
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT  
FOR  
CASCADE COUNTY

        
**D R A F T**  
      

If retained by the voters, the government of Cascade County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government:

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(1)

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

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

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers



and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). 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 community councils to advise commissioners may be authorized by ordinance.

7-3-418 Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1) Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1) Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1) Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1) Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1) Treasurer. A treasurer shall be elected.

7-3-437 (1) Surveyor. A surveyor shall be elected.

7-3-438 (1) Superintendent of schools. A superintendent of schools shall be elected.

7-3-439 (1) Assessor. An assessor shall be elected.

7-3-440 (1) Coroner. A coroner shall be elected.

7-3-441 (1) Public administrator. A public administrator shall be elected.

7-3-442 (1) Auditor. An auditor shall be elected.

We, the Study Commissioners of Cascade County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.


In testimony whereof, we set our hands.

Cascade  
Done at County this First day of  
August, 1986.

ATTEST:



CLERK & RECORDER OF  
Cascade County

  
Chief Deputy



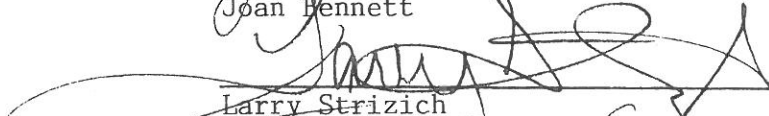
Sandra K. Watts, Chairman



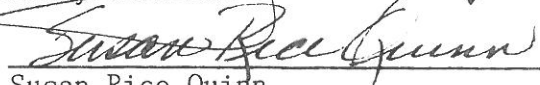
R.K. Haffner



Joan Bennett



Larry Strizich



Susan Rice Quinn

Local Government Study Commissioners

\* CERTIFICATE

DRAFT

FOR THE APPORTIONMENT  
OF COMMISSIONER DISTRICTS

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

District 1

List enumeration districts  
Population \_\_\_\_\_ Deviation \_\_\_\_\_

District 2

List enumeration districts  
Population \_\_\_\_\_ Deviation \_\_\_\_\_

District 3

List enumeration districts  
Population \_\_\_\_\_ Deviation \_\_\_\_\_

District 4

List enumeration districts  
Population \_\_\_\_\_ Deviation \_\_\_\_\_

District 5

List enumeration districts  
Population \_\_\_\_\_ Deviation \_\_\_\_\_

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

In testimony whereof, we set out hands.

ATTEST:

Joe Propola  
Clerk & Recorder  
By R.E. Baleman  
Chief Deputy

Done at Cascade County this First day of  
August 1986.  
Sandra K. Watts  
Sandra K. Watts, Chair  
R.K. Haffner  
R.K. Haffner  
Joan Bennett  
Joan Bennett  
Larry Strizich  
Larry Strizich  
Susan Rice Quinn  
Susan Rice Quinn

\* This is a sample Certificate. The required Population and Deviation figures will be inserted before the final report is adopted. At the present time, research is taking place to identify this information; a map identifying the Districts will also be included in the final report.

Cascade County Government-1986  
Comparison Chart

**D R A F T**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission.	CHARTER WITH COMMISSION EXECUTIVE FORM Commission determines policy. Elected executive administers local government. The CEO has veto power on ordinances.	The charter separates legislative and administrative responsibilities.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	SELF-GOVERNMENT POWERS County government shall exercise any power which is not denied by the Constitution, state law or charter. Commission gains ordinance making authority.	Self-government powers bring to the county the right to act in its own best interest, and greater flexibility in shaping governments structure.
Governing Body	Commission consists of 3 members nominated by district, elected at large.	Commission consists of 5 members nominated by district, elected at large.	Increase in the size of the commission will allow greater and more diverse representation. District representation assures the commission viewpoints from all sections of the county.
Term of office	6 year overlapping.	4 year overlapping.	Shorter terms should cause the commission to be more responsive to the voters.
Election	Partisan	Partisan	No change
Presiding Officer of Commission	Chairman elected from own members.	Chairman elected from own members.	No change

**DRAFT**

CHARACTERISTIC

PRESENT FORM OF GOVERNMENT

PROPOSED FORM OF GOVERNMENT

EVALUATIVE COMMENTS

Duties of Governing body	Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Commission is the legislative and policy making body. The CEO carries out policy.	The commission is freed from administrative responsibilities to concentrate on the policy making role.
County Executive Officer	None Administrative responsibilities shared by commissioners, elected officials, and various boards, etc.	Chief Executive Officer, who is elected for a 4 year term, directs and supervises the administration of all departments, except those admitted by other elected officials.	Better overall coordination is possible. There are clear lines of authority and responsibility. Responsiveness of the CEO is maintained through elective accountability.
Other Elected Officials	11 separate elected officials. Clerk & Recorder, County Attorney, Sheriff, Treasurer, Assessor, Clerk of Court, Public Administrator, Coroner, Supt. of Schools, Surveyor, Auditor.	6 separate elected officials. County Attorney, Sheriff-Coroner, Public Administrator, Treasurer, Auditor, Supt. of Schools.	The number of elected offices is reduced from 11 to 6. The responsiveness of these officials is assured through the elective process.
Terms of Office	4 year terms.	4 year terms.	No change.
Appointed Officials	Administrative Assistant	Clerk of Court, Clerk and Recorder, Public Works Director, Assessor, Health and Human Services Director, Director of Agriculture. Appointed to 4 year terms.	These offices are brought under the direct supervision of the CEO. Qualifications for these positions can be established by ordinance by the commission.

**D R A F T**  
    

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Appointment Powers	Commission appoints department heads and other employees who are not elected. The chairman of the commission appoints members of boards and committees with the consent of the commission.	The CEO appoints department heads who are not elected. The CEO also appoints members of all boards and commissions. All appointments are subject to confirmation by the commission.	Department heads are appointed on the basis of qualification and are responsible to the CEO.
Citizen Participation	Elected advisory councils are permitted but not established in Cascade County.	Two citizens will be elected to 2 year terms from each of 5 districts to create a 10 member advisory board to the county commission.	The advisory board will advise the commission on policy matters. This board will provide a mechanism for citizen participation in Cascade County government.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. It is modified and/or approved by the commission.	The financial duties, including budget preparation, are consolidated into the treasurers office.	All financial administration is consolidated into the office of the Treasurer.
Service Delivery Structure	Performed by elected officials and appointed boards, commissions and special districts.	Performed by a combination of elected and appointed officials.	Elective officials are, by their nature, independent. Those officials who are appointed are responsible to the CEO. The alternative form consolidates more responsibility to the elected executive.

CERTIFICATE

ESTABLISHING THE DATE OF THE  
SPECIAL ELECTION AT WHICH THE  
ALTERNATIVE FORM OF GOVERNMENT  
SHALL BE PRESENTED TO THE ELECTORS  
OF CASCADE COUNTY

DRAFT

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

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

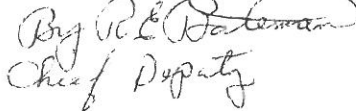
In testimony whereof, we set our hands.

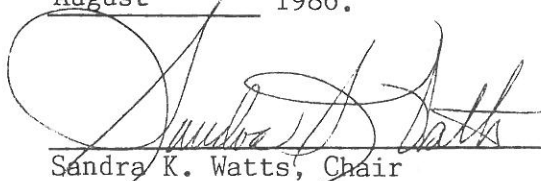
ATTEST:

Done at Cascade County this First day  
of  
August 1986.



Clerk & Recorder

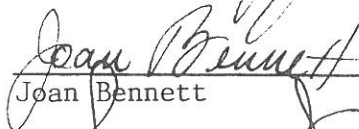
  
Byrd L. Bateman  
Chief Deputy



Sandra K. Watts, Chair



R.K. Haffner



Joan Bennett



Larry Strizich



Susan Rice Quinn

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT

FOR THE NOVEMBER 4, 1986, SPECIAL ELECTION

**DRAFT**

Instructions to voters: Place an "X" in the box which expresses your preferences.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

VOTE FOR ONE

- For adoption of the charter form of government proposed in the report of the Cascade County Local Government Study Commission.
- For the existing commission form of government.

We, the Study Commissioners of Cascade County do hereby certify that this is the official ballot approved by the Cascade County Study Commission.

In testimony whereof, we set our hands.

ATTEST:

Done at Cascade County this First day of August 1986.

Joe Propola  
 Clerk & Recorder  
Peg R. E. Pateman  
 Chief Deputy

Sandra K. Watts  
 Sandra K. Watts, Chair

R.K. Haffner  
 R.K. Haffner

Joan Bennett  
 Joan Bennett

Larry Strizien  
 Larry Strizien

Susan Rice Quinn  
 Susan Rice Quinn



CERTIFICATE

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

DRAFT

The date of the primary election for officers of the new government of Cascade County shall be held at a special election on April 7, 1987.

The date of the general election for officers of the new government of Cascade County shall be held at a special election on May 26, 1987.

The effective date of the alternative plan of local government of Cascade County takes effect January 1, 1987.

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

In testimony whereof, we set our hands.

Done at Cascade County this First day of  
August 1986.

ATTEST:

Joe Propola  
Clerk & Recorder  
By R. E. Bateman  
Chief Deputy

Sandra K. Watts  
Sandra K. Watts, Chair

R. K. Haffner  
R. K. Haffner

Joan Bennett  
Joan Bennett

Larry Strizich  
Larry Strizich

Susan Rice Quinn  
Susan Rice Quinn