

March 7, 1996

Barb S. Beck
Red Lodge Study Commission
P.O. Box 870
Red Lodge, MT 59068

Dear Barb,

Here are our observations about your report:

1. Letter to the Citizens - last sentence - instead of soliciting support for the adoption of your recommendation it would be better to solicit the reader's consideration.
2. Comparison of the Existing Selection of Commission etc. - A. second sentence - you suggest council members are elected on a bipartisan basis. Your certificate indicates they are elected on a nonpartisan basis.
3. Certificate of the Existing Plan of Government - (1) May 2, 1977, not 1997.
4. page 2 of the above Certificate - insert 7-3-218(2) which was left out.
5. On all of the Certificates the person who attests for the document is your city clerk, not the county clerk & recorder.
6. Change title of Certificate Establishing the Proposed Amendment to the Existing Plan of Government.
7. Modify first sentence under same Certificate to: "Upon approval of the majority of voters, the government of the City of Red Lodge shall be amended to provide for at large elections."
8. Also: We, the Study Commissioners of the City of Red Lodge do hereby certify that this is the proposed amendment to the etc. *no expert words*
9. Comparison of the Change Proposed - last sentence is unnecessary. The remedy is to reapportion the wards.
10. Certificate of Ballot Language - we suggest the following:

- For adoption of the amendment to the existing plan of government providing for at large elections of council members proposed by the Red Lodge Local Government Study Commission.
- For the existing form of government with council members elected from wards.

11. The Certificate Establishing the Effective Date of the Proposal if Approved is an interesting idea. This form was really created for those jurisdictions adopting an alternative form of government who would need to elect new officials. Since you are offering an amendment to your current plan of government this certificate isn't needed. The law specifies when the amendment goes into effect if it is approved by the voters and the date you specify is correct. We understand your concern for phasing this change in, but you can do that in a transition report if the amendment is adopted. The study commission has 90 days after the election to prepare that report. Red Lodge is almost unique in having two year terms for council members. Is the mayor also elected for two year terms? You obviously have elections every year. Are the elections in even numbered years held with county elections, that is, with a June primary and a November general election? In odd years we assume the elections follow the municipal schedule with a September primary and November general election. The City of Livingston has two year terms of office, but we aren't aware of any other municipal government with two year terms except that some have two year terms for the mayor only.

Despite all of the suggestions, we think the report looks very good. Good luck with your education effort.

Sincerely,

Judy Mathre
Associate Director

Dr. Ken Weaver
Local Government Center
Montana State University
Bozeman, MT. 59717

March 4, 1996

Dear Dr. Weaver:

The Red Lodge Study Commission is ready to adopt a final report, and plans to do so at our March 18 meeting. We plan to place our recommendations for nomination and election of council members at large, on the June ballot. I have enclosed a copy of the draft of our final report. We would appreciate you taking a few minutes to review the report and provide us with any comments you might have. I'll need to have your comments by March 15, so that we can make any changes needed prior to the meeting on the 18th.

We have distributed the tentative report and held our public hearing. No comments were forthcoming from the public.

Sincerely,



BARB S. BECK
Study Commission Chair

P.O. Box 870
Red Lodge, MT. 59068
ph/fax 446-3628

enclosure

RED LODGE STUDY COMMISSION

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Appendix

- Exhibit A: Certificate of Plan of Existing Form of Government
- Exhibit B: Certificate of Plan of Proposed Form of Government
- Exhibit C: Certificate Establishing Election Date
- Exhibit D: Certificate Establishing Form of Ballot
- Exhibit E: Certificate Establishing the Effective Date of the Proposal if Approved
- Exhibit F: Supplementary Report

I. LETTER TO THE CITIZENS OF THE CITY OF RED LODGE

To the Citizens of the City of Red Lodge:

The Red Lodge Local Government Study Commission elected by the voters on November 8, 1994, and thereafter appointed, present this tentative report to you, the citizens of the City of Red Lodge.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

The study commission has sought advice and information from city residents in every phase of the review. The mayor and city council members were interviewed, the city employees were interviewed, and a phone survey reaching ten percent of all city residents was conducted. An open house and public hearing was held on September 11, 1995.

Our recommendations reflect the thoughts and opinions of those who participated in the interviews, surveys, and public hearing, in addition to the independent efforts of this study commission.

In this tentative report we present our recommendations for an amendment to the present form of government that we feel will best meet the current and future needs of the residents of the City of Red Lodge. Our concern has been to provide government that will be responsive to local citizens and the changing needs of the citizens given the growth that is occurring. We feel that the citizens of Red Lodge can be best served by adopting the recommended nomination and election of council members at large.

The question of adopting this amendment under the present form of government will be placed on the ballot June 4, 1996. We solicit your support for its adoption.

Respectfully submitted,

Red Lodge City Study Commissioners

II. SUMMARY OF RECOMMENDATIONS

A. Findings of the Study Commission

After a year of study including 1. interviews with the mayor, the city council, the elected and appointed officials, the city employees; 2. random telephone survey of 10% of the city residents over 18 years of age; 3. public presentations and meetings, the study group found most were generally satisfied with the status quo and felt the current form of government was serving the citizens of Red lodge well. While most citizens felt no need to change the form of government, there were suggestions for improvement which will be addressed in a supplementary report.

The Red Lodge City Local Government Study Commission having thoroughly studied our present form of city government and the alternative forms of government available to cities under state law, and having studied the future governmental needs of this city, recommends the following:

Red Lodge City should retain the current Commission-Executive (commonly known as the Council-Mayor) form of government.

In reference to the selection of commission members, this study group recommends the city commission be elected at large.

The question of whether commission members be elected at large or by district (ward) shall be submitted to the voters of the city on June 4, 1996.

B. Key Provisions of the Proposed Change

If the proposal is approved by the voters, three of the six council members up for reelection in 1997 would be selected and elected at large by a vote of the entire city. The following year, the remaining three council members would be elected in the same manner. Nominations from any area within the city limits would be possible for any of the council positions.

III. COMPARISON OF THE EXISTING SELECTION OF COMMISSION AND THE PROPOSED SELECTION OF COMMISSION

A. EXISTING FORM

The six council members are currently nominated two each from three wards. Council members are elected on a bipartisan basis for two year terms. On alternating years, one council member from each ward is elected by the residents of that ward.

B. PROPOSED FORM

The six council members would be nominated from the city as a whole. Three members would be elected by the city as a whole each year to serve a two year term.

C. RECOMMENDATIONS & REASONS

Why should the commission (council) be elected at large? With the annexation of the Red Lodge Country Club Estates and the recent and anticipated continued growth to the south and north, Red Lodge City is needing to realign ward boundaries to apportion more fairly to population numbers.

In the early 1900's, district ethnic and occupational groups populated different sections of the town. Allegiance to the council members elected from each unique ward ran high. It was important for residents, some who spoke little or no English, to have someone represent their interests.

The ward system today, in a city as small as Red Lodge, has outgrown its necessity. Nearly everyone speaks English and, because of improved mass media, is aware of current events including local government proceedings. Each council member is known by and represents the interests of all city residents. The city is more homogenous, and the pressing issues concern all city residents.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

THE CITY OF RED LODGE

As retained by the voters, the government of Red Lodge is organized under the following provisions of MCA 7-3-113 which authorizes the municipal council-mayor form of government;

(1) For the purpose of determining the statutory basis of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, shall be governed after May 2, 1997 by the following sections:

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

1977

(2) The term of office of elected officials shall be two (2) years.

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

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202(2). Nature of government. Local government shall have self-government powers.

7-3-212(2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213(3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214(2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215(2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216(2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217(3). Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-219(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220(1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221(3). Presiding officer of commission. The presiding officer of the commission shall be the executive who shall decide all tie votes of the commission, but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223(2). Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established at six (6) and community councils to advise commissioners may be authorized by ordinance.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 MCA.

In testimony whereof, we set our hands.

7-3-218(2)

ATTEST:

Done at _____ this ____ day of _____.

~~Clerk & Recorder of
Carbon County~~

city clerk

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

amendment to the existing plan

ESTABLISHING THE PROPOSED CHANGE OF GOVERNMENT

FOR

THE CITY OF RED LODGE

Upon approval of the majority of voters, the government of the city of Red Lodge shall be ~~changed under the following provisions of Section 7-3-113 MCA.~~

amended to provide for at large elections,

(a) 7-3-218(1). Selection of commission members. The commission shall be elected at large.

amendment

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the proposed ~~change~~ to the existing Plan of Government as established by Section 7-3-113 MCA.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this ____ day of _____.

~~Clerk & Recorder of
Carbon County~~

city clerk

LOCAL GOVERNMENT STUDY COMMISSIONERS

COMPARISON OF THE CHANGE PROPOSED

CHARACTERISTIC: Selection of council members.

PRESENT FORM OF GOVERNMENT:

Election by wards.

PROPOSED CHANGE:

Election at large.

EVALUATIVE COMMENTS:

The population make-up has become very diversified throughout the city.
More people may want to run for city council.

~~Population distribution in the current wards is not equal.~~ Remedy is to
reapportion. This sentence is not needed.

CERTIFICATE

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

The change in the form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Red Lodge at a special election to be held with the primary election on June 4, 1996.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the date of the special election approved by the Study Commissioners of the City of Red Lodge.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this ____ day of _____.

Clerk & Recorder of
Carbon County

city clerk

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

**ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 1996 SPECIAL ELECTION**

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

OFFICIAL BALLOT

BALLOT ON THE CHANGE IN LOCAL GOVERNMENT

1.

Vote for One.

- For adoption of ^{the amendment to the existing plan of government providing for} at large elections of council members proposed ~~in the report of~~ by the ~~City of~~ Red Lodge Local Government Study Commission.
- For the existing form of government. ^{with council members elected from wards}

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is official ballot approved by the Study Commissioners of the City of Red Lodge.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this ____ day of _____.

~~Clerk & Recorder of~~
~~Carbon County~~
city clerk

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

**ESTABLISHING THE EFFECTIVE DATE OF
THE PROPOSAL IF APPROVED**

The effective date of the alternative plan of local government of the City of Red Lodge takes effect July 1, 1996.

However, the first day for filing for declaration for nomination for municipalities is April 29, 1996; the 1996 election will be held under the existing form of government by wards.

The 1997 primary and general elections will be held under the proposed form of government with nomination and election at large if the alternative proposal is approved.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the effective date of the alternative plan of local government approved by the Study Commissioners of the City of Red Lodge.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this ____ day of _____.

Clerk & Recorder of
Carbon County

city clerk

LOCAL GOVERNMENT STUDY COMMISSIONERS

*Filing period in even numbered years?
when is the primary election?*