

*unreformed*

**CERTIFICATE**  
**ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**  
**FOR**  
**POWELL COUNTY, MONTANA**

If retained by the voters, the government of Powell 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(6);
- (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) if the county has elected an auditor;
- (u) 7-3-442(6) if the county has not elected an auditor.

(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 ELECTED COUNTY OFFICIAL 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 nominated 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 the 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, shall be three, 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 (6). **Surveyor.** A surveyor shall not be included in this form as a separate office.

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 (6). **Auditor.** An auditor shall not be included in this form as a separate office.

## POWELL COUNTY GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of Powell County:

The Powell County Study Commission elected by the voters on November 8, 1994, or thereafter appointed present this final report to the citizens of this county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with the people and groups mentioned the Powell County Study Commission has concluded that there is general consensus that the existing county commission form of government has served this county well since its organization in 1901 and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted this 14 day of February, 1996.

Ronald S. Gilman  
Chair

Donald R. Beck  
Vice Chair

Virginia Hillitt  
Secretary

ATTEST:

Karla Rydeen  
Karla Rydeen, Clerk and Recorder