

# Preliminary Report

County  
Study

Commission

Carbon County, Montana

February 7, 1986

**RECEIVED**

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POLITICAL SCIENCE  
DEPARTMENT

# Carbon County Government Study Commission Preliminary Report

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### Letter to Citizens of Carbon County

To the Citizens of Carbon County:

The Carbon County Study Commission elected by the voters on November 6, 1984, or thereafter appointed, present this preliminary report to you, the citizens of Carbon County.

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 the 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.

In every phase of this review this study commission sought advice and information from as many people in the county as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizens' attitudes was made.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to a survey, in addition to the independent efforts of the study commission which included attendance at workshops and meetings with other counties and study commissions.

In this preliminary report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for solving local problems. We feel the citizens of Carbon County can achieve these goals by adopting the alternative form of government.

The study commission is recommending the charter form of government with as few departures from the existing commission form as is practical, while still implementing the changes which the citizens and the study commission perceive to be needed. It should be noted that the city of Bridger has operated successfully with a charter form of government for the last ten years. A charter as such is neither good nor bad. It provides the opportunity to tailor a local form of government to local needs and concerns. The proposed charter has been reviewed by the office of the county attorney. It is the opinion of the office of county attorney that the proposed charter conforms to the Montana constitution and to state law.

Since this is the preliminary and not the final report of the study commission, there is still time for citizens to meet with the study commissioners, call them by phone or attend public hearings and express their views. If the study commission receives sufficient comment from citizens, it may revise the content of the preliminary report or change it completely before presenting its final report for a vote by the electorate. The study commission welcomes and encourages citizen reaction to this preliminary report.

We solicit your participation.

Respectfully submitted,

*Ernie Strum*

*Robert Pitcher*

*Shirley Laber*

Carbon County Study Commissioners

# Comparison of Existing Form and Proposed Form of Government

## Present Form of Government

## Proposed Form of Government

### Form:

Commission form. Merges legislative, administrative and executive functions in commission.

\* Charter form. Separates legislative from executive and administrative powers.

### Powers:

General government. May exercise only specific powers and functions authorized by state law.

\* Self government powers are elected and then are limited to the self government powers expressed in the charter.

### Size of Commission:

Three full-time commissioners nominated by district and elected at large.

Three full-time commissioners nominated by district and elected at large.

### Elections:

Partisan.

Partisan.

### Terms of Commissioners:

Six years.

\* Voters choose between 6-year and 4-year terms (sub-option).

### Presiding Officer:

Chairman. Elected by commissioners from among their own number for a term established by ordinance.

Chairman. Elected by commissioners from among their own number for a term established by ordinance.

### Legislative Powers & Duties:

Reside in the commission.

Reside in the commission.

### Executive & Administrative Powers & Duties:

Reside in the commission.

\* Reside in the county administrator who serves at the pleasure of the commission. The county administrator may be the commission chairman or a separate person appointed by the commission. Voters choose whether to require the appointment of a separate person or to leave the decision with the commission (sub-option).

### Commissioners' Salaries:

Set by state law.

Set by state law.

### Salaries of Other Elected Officials:

Set by state law.

Set by state law.

### Elected Officers:

County attorney, sheriff, coroner, clerk of district court, assessor, treasurer, superintendent of schools, clerk and recorder, public administrator, surveyor.

\* County attorney, sheriff, coroner, clerk of district court, assessor, treasurer, superintendent of schools, clerk and recorder.

### Powers & Duties of County Administrator:

\* Personnel administration, properties management, purchasing and contracting, budget preparation and review, accounting and data processing supervision, and long range capital budgeting.

### County Attorney:

May be either part-time or full-time in accordance with state law. The commission cannot require the county attorney to be full-time without his consent.

\* Voters are given the option of requiring a full-time attorney or permitting the county attorney to be part-time (sub-option).

\*Indicates a change.

# Discussion of Recommended Changes

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## SUMMARY OF CHANGES

The Study Commission recommends to the voters of Carbon County that they adopt an alternative form of government. The alternative form offered to the voters contains as few basic changes as the Study Commission could practically offer and still accomplish the changes that it felt the electorate desired.

Adoption of the alternative form of government will effect the changes listed below.

1. There is a separation of legislative from executive and administrative powers and duties.
2. The voters are given the option of selecting 4-year terms or 6-year terms for county commissioners.
3. The office of county administrator is created with the following administrative responsibilities:
  - a) Personnel administration
  - b) Properties management
  - c) Purchasing and contracting
  - d) Budget preparation and review
  - e) Accounting & data processing supervision
  - f) Long range capital budgeting.

Procedures for performing the above functions are subject to the approval of the county commissioners and major decisions have to be approved by elected officials or the county commissioners. Further, the voters are given the option of either (1) requiring the commissioners to appoint a county administrator or (2) of allowing the commission chairman to function as county administrator or appointing an administrator when the commission chooses.

4. The voters are given the option of allowing the county attorney to remain part-time or requiring the county attorney to be full-time.

5. Two technical corrections to acknowledge existing policy.

a) elimination of the elected office of county surveyor (duties to be performed by contract)

b) elimination of the elected office of public administrator. (duties to be performed by the County Attorney)

## TERM OF COUNTY COMMISSIONERS

The voters are given the option of selecting either 4-year terms or six-year terms for county commissioners under the alternative form of county government. Having to face elections more frequently should help make commissioners more responsible to the people of the county. A shorter term of office could also stimulate greater interest in running for county office. Since terms of office are overlapping, four-year terms would cause an election of one commissioner at one two-year interval and two commissioners at the next two-year interval.

## FULL-TIME VS PART-TIME COUNTY ATTORNEY

Under the alternative form of county government, the voters are given the choice of selecting a full-time county attorney who does not engage in the private practice of law or of allowing the county attorney to be part-time and to engage in the private practice of law.

Carbon County presently has a part-time elected county attorney and two part-time deputies who all have private practices. The budget for the office of county attorney (not including the state's 50 percent share of salaries) for the fiscal year ending June 30, 1986 is \$82,900. The complete budget for the office is as follows:

|  |                  |
|--|------------------|
| Salaries and wages (including state share) ..... | \$88,000         |
| Unemployment and workmen's compensation .....    | 435              |
| Health insurance .....                           | 6,000            |
| Social security .....                            | 3,135            |
| Retirement .....                                 | 2,830            |
| Supplies .....                                   | 750              |
| Purchased services .....                         | 15,350           |
| Fixed charges .....                              | 2,400            |
| Capital outlay .....                             | 8,000            |
| <b>Total .....</b>                               | <b>\$126,900</b> |

Arguments for a full-time county attorney include:

- 1) Faster response to county officials
- 2) Nearly eliminates conflict of interest problems, thus providing potential savings.
- 3) Permits specialization in county and criminal law.

Arguments for a part-time county attorney include:

- 1) Has more autonomy or independence. Is not as much influenced by the county commission.
- 2) A more experienced and better qualified attorney may be willing to work part-time for the county but would not run for full-time office.
- 3) Each part-time attorney can have a separate area of specialty. The three part-time attorneys would collectively bring more expertise to the county than would one full-time attorney.

## CAN CARBON COUNTY AFFORD A COUNTY ADMINISTRATOR?

The real question to be answered by the voters is "Can Carbon County afford not to have cost effective administration?" and, given

the history of county government without an administrator, can we afford not to have one? A primary function of the county administrator would be to promote efficiency in government. He should be able to recommend areas for direct cost savings to the county commission. Some areas of savings may be: consolidation of city-county services, central purchasing procedures, sharing of city-county computer facilities, shared accounting personnel, consolidation of offices, accountability of supplies and equipment, uniform personnel policies and many others.

## WHEN TO CHANGE?

A county with a population of 2,000 and a budget of \$500,000 needs little professional help. A county with a population of 100,000 and a budget of \$12,000,000 must have a sizable professional staff.

Increases in demands and changes in the nature of demands for county government services have occurred over the years. Our society is becoming increasingly information oriented. Besides needing the traditional services such as law enforcement, road services, sanitation, etc., the public and county employees increasingly demand more information from their government. Information needs to be complete, readily available and easily accessible. A county which does not plan long range to meet the demand for this service will find itself becoming increasingly inefficient. The public will become increasingly frustrated. The government will not be able to effectively manage itself. The quality of decision making will deteriorate.

When should changes be made? When should professional staff be added? The study commission feels that the time to start changing is now. The study commission feels that government can be improved and can operate with a reduced budget, both at the same time.

## GOVERNMENT THAT IS EFFICIENT

The study commission believes that to achieve greater efficiency some changes need to be made in the organizational structure of county government.

At the present time, county government consists of 11 somewhat autonomous administrative offices plus many separate boards, commissions and special districts. Elected officials are independent of all but minimal budget control by county commissioners who have almost no authority to supervise them or to coordinate activities of various departments. As an example, even purchasing is not centralized at the present time, but is handled by each department. The duties and functions of each officer are authorized in state law and any eligible voters regardless of qualifications can run for county office.

The demands of efficiently running the multi-million dollar business that county government has become, requires first of all, a centralized administration where someone with professional administrative training and experience is in a position to assist all county government operations, making it possible to set program goals, coordinate activities, hire qualified people, and evaluate county operations. Adoption of the alternative form would establish such a position. For county government this will mean more clear lines of authority and responsibility, and the ability to work as an efficient unit.

## POLITICS IN COUNTY GOVERNMENT

Carbon County is presently small and not very politicized. The various elected officials work and cooperate well together.

Should the county become more politicized or should elected officials have disputes, there is nothing to require the cooperation of the various elected officials. An administrator having certain powers and duties to coordinate activities of the elected offices could be invaluable in certain circumstances.

## SEPARATION OF LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS

The present commission form of government has weaknesses that do not allow it to adequately handle the increased responsibility in county government. The existing government lacks an administrative head, a person responsible for coordinating the functions and services provided by county government to see that the goals of the county are carried out as efficiently as possible. At present these functions are carried out by eleven separate offices and many boards, commissions and special districts. **No one in county government has the authority to coordinate these offices and boards or to supervise their program.** The proposed form provides for an administrative function with the authority to coordinate these offices and boards.

## CHIEF ADMINISTRATIVE OFFICER

A professional administrator hired by the commission "on the basis of merit only" is responsible for the administration of the programs and policies determined or approved by the commission. Subject to the commission's general direction, the administrator handles personnel matters, coordinates the administration and budget preparation of all departments and is in charge of the business affairs of county government. The administrator serves at the pleasure of the commission. Thus the ultimate authority lies with the elected officials who can rely on the administrator for professional advice

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and for the day-to-day conduct of county business.

**INSURANCE**

County insurance is increasing dramatically in cost and some forms of insurance are becoming difficult and in some cases impossible to obtain. The county is presently very litigious, and the more litigious the county becomes, the more difficult and expensive it will be to obtain insurance. Good administration can reduce the likelihood of litigation and of increased insurance costs.

**COMMISSIONER RESPONSIBILITIES**

The county commissioners have anywhere from slight control to complete control over the areas of responsibility listed below. As you can see, the amount of responsibility and knowledge required is awesome.

|                                  |                                      |
|----------------------------------|--------------------------------------|
| Personnel Administration         | Control of Assets                    |
| Accounting & Budgeting           | Date Processing                      |
| Road & Bridge Maint. & Const.    | Law Enforcement                      |
| Planning & Zoning                | Sanitation                           |
| Sewage Treatment                 | Water Services                       |
| Building Inspection              | Engineering                          |
| Welfare                          | Public Health                        |
| Flood Control                    | Emergency & Disaster Planning        |
| Fire Protection                  | Senior Citizens                      |
| Legal Services                   | Judicial Services                    |
| County Superintendent of Schools | Library                              |
| Animal Control                   | Culture & Museum                     |
| Recreation & Parks               | Airport                              |
| Weed Control                     | Probation Services                   |
| Extension Services               | Alcohol Rehabilitation               |
| County Facilities                | Historic Preservation                |
| Economic Development             | Fair                                 |
| Insurance                        | Purchasing & Contracting             |
|                                  | Coordination Among Elected Officials |

A review of this list emphasizes the importance of the office and the need for competent administrative assistance.

**CARBON COUNTY  
BUDGET SUMMARIES**

**FISCAL YEAR ENDING JUNE 30, 1986**

Carbon County's budgeted spending of \$3,073,629 is outlined below:

|                                    |                  |
|------------------------------------|------------------|
| General Fund (see breakdown below) | 1,252,260        |
| Road Fund                          | 598,845          |
| Poor Fund                          | 157,695          |
| Bridge Fund                        | 208,305          |
| Predatory Animal Fund              | 2,900            |
| Fair Fund                          | 26,500           |
| Airport Fund                       | 28,500           |
| District Court                     | 125,315          |
| Noxious Weeds                      | 143,130          |
| Park Fund                          | 15,000           |
| County Extension Fund              | 54,070           |
| RSID Revolving Fund                | 175,000          |
| Local Study Commission Fund        | 56,993           |
| Alcohol Rehabilitation Fund        | 20,009           |
| Museum Fund                        | 8,260            |
| Junk Vehicle Fund                  | 8,290            |
| Land Use Planning Fund             | 9,094            |
| Revenue Sharing Fund               | 183,463          |
| <b>Total of Funds</b>              | <b>3,073,629</b> |

**COMPOSITION OF GENERAL FUND**

|                              |                  |
|------------------------------|------------------|
| Legislative Services         | 83,205           |
| Judicial Services            | 53,970           |
| Administrative Services      | 22,615           |
| Financial Services           | 136,985          |
| Elections                    | 27,245           |
| Records Administration       | 93,860           |
| Planning & Research          | 41,730           |
| Legal Services               | 82,900           |
| Facilities Administration    | 93,865           |
| Public School Administration | 54,200           |
| Law Enforcement              | 365,365          |
| Detention & Correction       | 8,500            |
| Emergency Services           | 30,915           |
| Coroner                      | 7,720            |
| Solid Waste                  | 22,115           |
| Cemetery Services            | 8,000            |
| Public Health Services       | 22,970           |
| Mental Health Center         | 12,000           |
| Aging Services               | 11,000           |
| Library Services             | 27,300           |
| Unallocated Costs            | 45,800           |
| <b>Total General Fund</b>    | <b>1,252,260</b> |

**Certificates**

**CERTIFICATE  
ESTABLISHING THE EXISTING  
PLAN OF GOVERNMENT  
FOR CARBON COUNTY**

If retained by the voters, the government of Carbon County shall be organized under the following provisions of Section 47A-3-205: 1947 revised Codes of Montana. Commission Form.

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

47A-3-205. Commission Form.

(1) The commission form consists of an elected commission and other elected officials 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 officials, shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials.

(2) The plan of government shall further define the structural characteristics of the form by including the items listed below:

(a) The commission shall be nominated by districts in which candidates must reside and which are apportioned by populations, but elected at large.

(b) Local government elections shall be conducted on a partisan basis as provided in this title.

(c) The chairman of the commission, who may be referred to as the "chairman" shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members on the commission. The chairman shall be elected by the members of the commission from their own number for a term established by ordinance.

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

(e) Commission members shall be elected for overlapping terms of office.

(f) The size of the commission shall be three (3) members, and community councils to advise commissioners may be authorized by ordinance.

(g) The term of office of the commissioners shall be six (6) years. Other elected officials shall serve four (4) year terms.

(3) The plan of government shall further define the structural characteristics of the form by including the following items. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

(a) A legal officer (called the county attorney) shall be elected.

(b) A law enforcement officer (called the "sheriff") shall be elected.

(c) A clerk and recorder shall be elected.

(d) A clerk of district court shall be elected.

(e) A treasurer shall be elected.

(f) A surveyor shall be elected.

(g) A superintendant of schools shall be elected.

(h) An assessor shall be elected.

(i) A coroner shall be elected.

(j) A public administrator shall be elected.

(k) An auditor shall not be included in the form as a separate office.

(4) The plan of government shall authorize general government powers.

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Page 5 We, the Study Commissioners of Carbon County do hereby certify that this is the existing plan of government as established by Section 471-3-205: Revised Codes of Montana 1947.

In testimony whereof, we set our hands.

Done at Red Lodge, Montana this day of February, 1986.  
(SEAL)

Local Government Study Commissioners

ATTEST:

Clerk and Recorder of  
Carbon County

CERTIFICATE  
ESTABLISHING THE PROPOSED  
PLAN OF GOVERNMENT  
FOR CARBON COUNTY, MONTANA

CHARTER OF CARBON COUNTY  
PREAMBLE

WE, the people of Carbon County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of Montana, and in the belief that local government and local control of public affairs must be the foundations of popular democracy, do adopt this charter.

ARTICLE I  
CHARTER FORM

Charter form. This charter form shall consist of an elected commission and other elected officers as provided in this charter. All legislative powers and duties of the local government shall reside in the commission. All executive and administrative powers and duties of the local government not specifically reserved by law to other elected officials, including those powers and duties enumerated in Article VI, Section 4 of this charter, shall reside in the county administrator. The people reserve to themselves the powers of initiative and referendum.

ARTICLE II  
NATURE OF GOVERNMENT AND  
LIMITATION OF POWERS

1. **Carbon County**, by the adoption of this form of government, has elected self government powers. As provided by Article XI, Section 6 of the Montana constitution, Carbon County may and hereby does exercise any power not prohibited by the Montana constitution, state law or this charter.

2. The purpose of this charter is to improve the administrative and financial management of Carbon County. The self government powers of Carbon County are limited to those self government powers expressed in this charter.

ARTICLE III  
THE COMMISSION

Role of commission chairman. The chairman of the commission shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman may vote as other members of the commission.

ARTICLE IV  
GENERAL STRUCTURE

1. **Selection of commission members.** The commissioners 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.

2. **Type of election.** Local government elections shall be conducted on a partisan basis.

3. **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.

4. **Overlapping terms.** Commission members shall be elected for overlapping terms of office.

5. **Terms of commission members.** The question of whether the term of office of commission members shall be 4 years or shall be 6 years will be presented to the voters as a sub-option to be voted on. Only the option approved by the voters will be published in the charter. This section is superior to section 7., below.

6. **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. **Terms of elected officials.** The terms of office of all elected officials shall be four years.

8. **Removal of commissioners.** A county commissioner may be removed from office as provided by law.

9. **Vacancies on commission.** Vacancies on the board of county commissioners shall be filled as provided by law.

ARTICLE V  
CERTAIN COUNTY OFFICES

1. The officers shall have the powers and duties established by law. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices. The office of county administrator shall not be consolidated with any other office except as expressly provided by this charter.

2. **Legal officer.** A legal officer (who may be called the county attorney) shall be elected. The question of whether the legal officer shall be part time or shall be full time will be presented to the voters as a sub-option to be voted on. Only the option approved by the voters will be published in the charter.

3. **Law enforcement officer.** A law enforcement officer (who may be called the sheriff) shall be elected.

4. **Clerk and recorder.** A clerk and recorder shall be elected.

5. **Clerk of district court.** A clerk of district court shall be elected.

6. **Treasurer.** A treasurer shall be elected.

7. **Surveyor.** A surveyor shall not be included in this form as a separate office.

8. **Superintendent of schools.** A superintendent of schools shall be elected.

9. **Assessor.** An assessor shall be elected.

10. **Coroner.** A coroner shall be elected.

11. **Public Administrator.** A public administrator shall not be included in this form as a separate office.

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

ARTICLE VI  
OFFICE OF COUNTY ADMINISTRATOR

1. **County administrator.** There shall be a county administrator who shall be the chief executive and administrative officer of the county. The question of whether the county administrator shall be appointed by the commission (appointment required), or may be appointed by the commission or may be the commission chairman (appointment optional) will be presented to the voters as a sub-option to be voted on. Only the option approved by the voters will be published in the charter.

2. **Funding.** The commission shall provide the county administrator with sufficient funds to conduct and maintain his office and duties.

3. **Administrative assistants.** The county administrator may appoint one or more administrative assistants, subject to the approval of the commission, to assist him in the supervision and operation of the local government.

4. **Administrative and executive powers and duties.** The powers and duties enumerated in this section shall be performed by the county administrator. The county administrator shall:

(a) design and develop a complete system of personnel policies and procedures for the county, subject to the approval of the commission, and administer the system, and;

(b) design and develop a complete system of properties management and equipment management for the county, including a system for annual inventories, subject to the approval of the commission, and administer the system, and;

(c) design and develop a complete system for purchasing and contracting for county supplies, services and equipment, including bidding procedures, subject to the approval of the commission, and administer the system, and;

(d) review all budget requests submitted by the officers and department heads of the county, make recommendations for changes and for approval to the commissioners and execute the budget adopted by the commission, and;

(e) design and develop the accounting and electronic data processing systems of the county and report to the commission on the financial condition of the county, subject to the approval of the commission, and administer the system, and;

(f) contract for county audits and supervise the preparation of county books and records for audits.

(g) design, develop and administer a program of long range capital budgets, including annual updates to the budgets, subject to the approval of the commission.

5. **Qualifications, compensation, appointment and removal of the county administrator.** This section does not apply if the county administrator is the commission chairman. This section does apply if the county administrator is appointed by the commission.

(a) The qualifications for office of the county administrator shall be:

(1) a four year degree in business administration, public administration, or a related field from an accredited college or university, and;

(2) a working knowledge of governmental budgeting and accounting, and;

(3) a working knowledge of personnel organization and management, and;

(4) a working knowledge of electronic data processing systems, and;

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(5) at least three years of responsible administrative experience.

(b) The county administrator shall be paid a salary set by the commission which will not exceed \$30,000.00 per year in 1985 dollars. The salary limit will be adjusted on July 1 of each year pro rata to the latest published change in the consumer price index.

(c) The county administrator need not be a resident of the county at the time of his appointment but may not reside outside of Carbon County while employed by the county.

(d) The county administrator shall be appointed by a majority vote of the commission.

(e) The commission may remove the county administrator from office at any time by a majority vote of the commission and by at least 60 days prior written notice to the administrator.

(f) The county administrator may not hold any other office except as expressly provided by this charter.

**6. Personnel Administration.**

(a) It shall be the power and duty of the county administrator to screen all applicants for hire or appointment and to submit applications of qualified persons to the respective department head or elected official.

(b) It shall be the power and duty of the respective department head or elected official to hire or appoint the best qualified person from among the applicants submitted to him by the county administrator.

(c) A department head or elected official shall make the final decision for the discharge of an employee under his supervision, but only after compliance with the county personnel policies and procedures approved by the commission.

**7. Purchasing and contracting.**

(a) It shall be the power and duty of the department heads and elected officials to prepare requisitions for supplies, services and equipment.

(b) It shall be the power and duty of the county administrator to obtain competitive bids for the acquisition of supplies, services and equipment. The respective department head or elected official and the commission must approve the selection of a vendor after which the county administrator shall enter into an agreement for the acquisition of supplies, services or equipment on behalf of the county. The system for purchasing and contracting shall otherwise conform to Montana state law.

**8. Conflicts in powers and duties.** If there is a conflict between the powers and duties of a county elected official and the powers and duties of the county administrator which is not specially addressed in this charter, the powers and duties of the elected official shall be superior. If there is a conflict between the powers and duties of the county administrator as contained in this charter and the powers and duties at law of a county elected official, the powers and duties of the county administrator shall be superior.

**ARTICLE VII**

**EFFECTIVE DATE**

This charter shall become effective on September 1, 1986.

**ARTICLE VIII**

**AMENDMENT OF CHARTER**

This charter may be amended only by a majority vote of the qualified electorate of Carbon County at a county general election or a special election called for this purpose. Procedures for the amendment of this charter shall conform to Montana state law.

**ARTICLE IX**

**COUNTY TAXATION**

**1. County mill levies.** All tax levies by the board of county commissioners shall be in conformity with Montana state law.

**ARTICLE X**

**COUNTY AUDIT**

**1. Annual audit.** The county shall contract for an annual audit of its affairs.

**2. Completion of audit.** Before the end of each fiscal year, the county administrator shall contract for an audit of the county's affairs. The contract shall provide that the audit shall be completed within six months from the end of the county's fiscal year. The Department of Commerce of the state of Montana shall be a party to the contract.

**3. State audit law.** Except for sections 1. and 2. of this article, audits of the county shall be conducted in conformity with Montana state law.

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

In testimony whereof, we set our hands.

Done at Red Lodge, Montana this 6th day of February, 1986.

(SEAL)

Carbon County Study Commissioners

ATTEST:

Clerk and Recorder of  
Carbon County

**CERTIFICATE  
ESTABLISHING THE OFFICIAL BALLOT  
FOR THE JUNE 3, 1986 SPECIAL ELECTION**

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

**OFFICIAL BALLOT  
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-options also fail. If the proposed form is adopted, the sub-options require only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON ALL FOUR ISSUES

**1.  
VOTE FOR ONE**

- For adoption of the alternative form of government proposed in the report of the Carbon County Local Government Study Commission.
- For the existing form of government.

**2.  
VOTE FOR ONE**

Sub-option to be included in the new form of government, if it is adopted.

The term of office of commission members:

- shall be 4 years.
- shall be 6 years.

**3.  
VOTE FOR ONE**

Sub-option to be included in the new form of government, if it is adopted.

The county administrator:

- shall be appointed by the commission. (Appointment of a separate administrator is required.)
- may be appointed by the commission or may be the commission chairman. (Appointment of a separate administrator is not required.)

**4.  
VOTE FOR ONE**

Sub-option to be included in the new form of government, if it is adopted.

A legal officer (who may be called the county attorney):

- shall be elected, may be part time and may engage in the private practice of law.
- shall be elected, shall be full time and shall not engage in the private practice of law.

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

In testimony whereof, we set our hands.

Done at Red Lodge, Montana this      day of      1986.  
(SEAL)

Local Government Study Commissioners

ATTEST:

Clerk and Recorder of  
Carbon County, Montana