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*Certificate for existing
Form of government
cites Sect. 47A-3-203
Revised Codes of Montana*

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SUPPLEMENTARY REPORT

THREE YEAR MORATORIUM

I. LETTER TO THE CITIZENS OF FAIRVIEW

To the Citizens of the City of Fairview:

The Fairview Study Commission elected by the voters of Fairview on November 6, 1984, present this Final report to you, the Citizens of Fairview.

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 phases of the study a tentative report was offered to the qualified electors of Fairview on May 6, 1986.

In every phase of this review, this study commission sought advice and information from as many people in the City as possible.

All meetings of the study commission were open to the public and Public Hearings were held.

Our recommendation reflects the thought and opinions of those who participated in our studies, either through attending our regular meetings or through one on one expressing their views and to the independent efforts of the study commissioners.

In this report we present our recommendation for an Amendment to our present 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 devising solutions to local problems.

We feel the citizens of the City of Fairview can achieve these goals by retaining the Commission-Executive form with general governmental powers and adopting an Amendment in regards to Supervision of Personnel.

The question of adopting this Amendment to our present form of government will be placed on the ballot-November 4, 1986.

We solicit your support for its adoption.

Respectfully submitted,

Mildred Delaney
Darlene A. Gable.

Paul J. Trudell

City of Fairview Study Commissioners

II. SUMMARY OF RECOMMENDATION

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

1. The City of Fairview should adopt, effective July 1, 1987, an Amendment to the present form of government concerning:

Supervision of Personnel:

The executive may appoint and remove, with the consent of a majority of the Commission (Council), all employees of the local government.

A. Findings of the Study Commission

After an intensive study of nearly two years, it is the decision of the Study Commission to recommend retaining the present form of government (Commission-Executive, which may be called the Council-Mayor form) but to recommend the adoption of an Amendment to the form.

Problem areas that were identified during the course of the study by research, discussion, public hearings and citizen surveys indicate that the administration of our form of government is more of a problem in providing the needs of the citizens than it is a problem of the form of government in existence, if City government is to meet the needs and desires of the electors it must administer more control over its organizational structure so that it can act effectively and oversee the performance of city functions.

In the course of study which affected the study commissions choice of recommendation, we evaluated the interaction of structure and power of the existing form of government; which consisted of our basic structure and how structure and power interact the delivery of services to the Fairview residents.

To evaluate the structure we used eight objectives to compare the forms of government available for recommendation.

ECONOMY: The most economical form of government costs the least. The quest for economy is a legitimate concern for large and small communities alike. However, it may be a more important concern to small communities than to larger ones because of a smaller tax revenue base.

EFFICIENCY: It is sometimes difficult to distinguish between economy and efficiency....efficiency refers to the least costly method of providing a given level of services rather than to the savings realized if the service were not provided at all.

REPRESENTATION: One measure of a local governments capacity for representation is the ability of ordinary citizens to fill official roles.

RESPONSIVENESS: Is the objective and presumed outcome of representation. It describes the willingness of decision makers to act on the peoples behalf. Accessibility is a component of responsiveness. Demands cannot be met if they are not listened to. If people believe they have a chance to be heard, both in policy development and in the redress of grievances the particular form of government may not be so important.

ACCOUNTABILITY: Is the link between representation and responsiveness. It provides an evaluation through which officials are held responsible for their actions and can be achieved in an administrative system which depends upon an appointive chain of command with elective responsibility at the top whereby the elected officials are then held accountable.

CHECKS AND BALANCES: Constitutional government in the United States at all levels, implies limited government. Local governments in Montana are also subject to the principals of separation of authority. The Council/Mayor form separates executive and legislative power, but this separation is not always complete in practice.

LEADERSHIP: Running a government effectively may call for leadership that can tie the community together and create a sense of community purpose. When residents feel a strong identity with one another and other community wide goals, volunteer leadership is more likely to be offered. In Montana unpaid voluntary work is an important dimension of local government.

PLANNING: Change associated with the pressures of growth has made planning an important objective in some areas of Montana and is also essential where communities are losing population and suffer from a declining tax base. Planning is needed if we are to control changing conditions rather than be controlled by them.

The study of local government is one of the most difficult and at times frustrating subjects to learn or to explain to the average citizen and yet local government is the level of government that most frequently touches our lives and the lives and fortunes of our families and neighbors.

In an attempt to acheive a government that is economic, efficient, representative, responsive, accountable, contains checks and balances, has leadership and plans, the study commission recommends retaining the Commission-Executive form of government and recommends adopting the recommended Amendment.

Through the course of the review of the local government it was indicated that local citizens are concerned about the quality of services, about the level of taxes and about the lack of elected leadership and citizen participation in City government. These frustrations and expectations of citizens in addition to the changing economy and population of the city led the study commission to identify the following basic community goals:

1. Government that is responsive to citizens
2. Government that is efficient
3. A government structure that is led by elected officials
4. A government structure with adequate 'checks and balances'
5. A government structure that allows maximum participation by citizens.

In an attempt to achieve these goals, the study commission recommends that Fairview retain its present form of government with a recommendation to adopt an Amendment.

B. Key provision to the Amendment

In keeping with the approved form of government in 1976 of the Aldermanic form or 'weak mayor', the study commission recommends that the Fairview electors amend the form to adopt the weak mayor provision in dealing with the supervision of personnel:
Supervision of personnel. The executive may:
appoint and remove, with the consent of a majority of the commission, all employees of the local government;

III. COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT

EXISTING FORM

The existing form of government was adopted by a vote of the citizens of Fairview in 1976.

The form is considered to be a 'weak mayor' form with the majority of the powers of government resting in the council.

The provision concerning supervision of personnel in the existing form is of the 'strong mayor' form.

The current form in usage states:

3. (b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees;

PROPOSED FORM

The proposed article reads:

Supervision of personnel. The executive may: appoint and remove, with the consent of a majority of the commission, all employees of the local government;

RECOMMENDATION AND REASONING

In keeping with the approved form consisting of 'weak mayor' characteristics, the study commission proposes an Amendment to the supervision of personnel; thereby having it also be the form of 'weak mayor'.

Exhibit A:

PROVISIONS ESTABLISHING THE PRESENT PLAN OF GOVERNMENT FOR THE CITY OF FAIRVIEW

If retained by the voters, the government of the city of Fairview shall be organized under the following provisions of Section 47A-3-203.

Commission-executive form.

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

47A-3-203. Commission-executive form.

(1) 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.

- (2) The executive shall:
 - (a) enforce laws, ordinances, and resolutions;
 - (b) perform duties required of him by law, ordinance or resolution;

- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;
- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) appoint, with the consent of the commission, all members of boards; except, the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

(3) The plan of government shall also include the following:

- (a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive;
- (b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees;
- (c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission;
- (d) The executive may prepare the budget in consultation with the commission and department heads;
- (e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

- (f) A financial officer (who may be called the "treasurer") shall be elected;
- (g) The commission shall be elected at large;
- (h) Local government elections shall be conducted on a non-partisan basis as provided in this title;
- (i) 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;
- (j) 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;
- (k) Commission members shall be elected for overlapping terms of office;
- (l) The size of the commission shall be 6, and community councils to advise commissioners may be authorized by ordinance;
- (m) The term of office of elected officials shall be four (4) years.
- (4) The plan of government authorizes general government powers.

Adopted by a vote of 168 for and 161 against
November 1976, general election day.

We, the Study Commissioners of Fairview
do hereby certify that this is the
existing Plan of Government of the
City of Fairview.

In testimony whereof, we set our hands.

Mildred Delaney
Barlene A. Babler

Paul J. Trudner

Done at Fairview Montana
this 2nd day of Oct. 1986

ATTEST: Jean Lanouette



Article 1.

SECTION 1. ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR THE CITY OF FAIRVIEW

Upon approval of the majority of voters the government of Fairview shall be organized under the following provisions of Section 7-2-201 NCA.

7-2-201. 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.

7-2-202 Nature of government.

The plan of government submitted to the qualified electors shall determine powers of the local government unit by authorizing:

(1) general government powers:

7-2-203. Duties of executive.

The executive shall:

- (1) enforce laws, ordinances and resolutions;
- (2) perform duties required of him by law, ordinance or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in the discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-2-211. Structural suboptions.

The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-2-212 through 7-2-224.

For the City of Fairview these are:

7-2-212. Administrative assistants.

The executive:

- 2 (1) 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.

7-2-212. Supervision of personnel.

The executive may:

(2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;

7-2-214. Veto power.

The executive may:

(2) veto ordinances and resolutions, subject to override by two-thirds vote of the commission;

7-2-215. Preparation of budget.

The executive may:

(2) prepare the budget in consultation with the commission and department heads;

7-2-216. Administrative supervision and control.

The executive may:

(2) exercise control and supervision of all department heads and boards to the degree authorized by ordinance of the commission;

7-2-217. Financial officer.

A financial officer (who may be called the treasurer):

(1) shall be elected.

7-2-218. Selection of commission members.

The commission shall be:

(1) elected at large.

7-2-219. Type of election.

Local government elections shall be conducted on a:

(2) nonpartisan basis.

7-2-220. Chairman of commission.

The commission shall have a chairman who shall be:

(1) elected by the members of the commission from their own number for a term established by ordinance;

7-2-221. Presiding officer of commission.

The presiding officer of the commission shall be:

(3) the executive, who shall decide all tie votes for the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent);

7-2-222. Terms of commission members.

Commission members shall be elected for:

(2) overlapping terms of office.

2-1-222. 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.

The size of the commission shall be six (6) members, and:
(1) community councils to advise may be authorized by ordinance.

2-1-224. Terms of office.
The term of office of elected officials shall be four (4) years.

We, the Study Commission of Fairview, do hereby certify that this is the Amended plan of government approved by the City of Fairview Study Commission.

In testimony whereof, we set our hands.

Done at Fairview, Montana this 2nd day of October 1986.

Attest:

Jean Lanouette

Mildred Delaney

Barlene A. Bahl

Paul J. Russell
Local Government Study Commissioners



Exhibit C:

CERTIFICATE ESTABLISHING THE DATE OF THE ELECTION AT WHICH THE
AMENDED FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF
THE CITY OF FAIRVIEW

The Amended form of government proposed by the Local Government
Study Commission shall be submitted to the voters of the City of
Fairview at the General election to be held on November 4, 1986.

We, the Study Commissioners of
Fairview, do hereby certify this
is the date of the election
approved by the Study Commissioners
of the City of Fairview.

In testimony whereof, we set our hands.

Done at Fairview, Montana this 2nd
day of October 1986.

Attest:

Jean Sanouette

Mildred Delaney

Barlene A. Babler

Paul T. Tucker
Local Government Study Commissioners

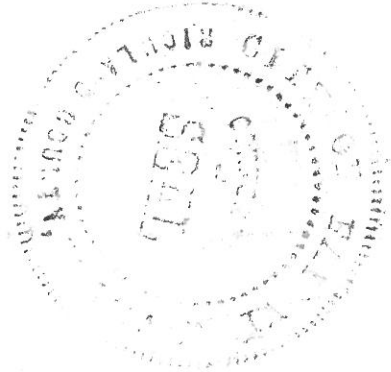


Exhibit 1a

RESOLUTION ESTABLISHING THE OFFICIAL BALLOT FOR THE
NOVEMBER 4, 1986 ELECTION

The existing form of government provides that the Mayor may remove department heads and appoint and remove all other department employees. The amendment provides that the Mayor may remove, with the consent of the majority of the Council, department heads, and may, with the consent of the majority of the Council, appoint and remove all other City employees. Department heads are appointed by the Mayor with the consent of the majority of the Council under both the existing and amended forms.

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

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for one.

For adoption of the Amendment to the existing form of government proposed in the report of the City of Fairview local government study commission.

For the existing form of government.

We, the Study Commissioners of the City of Fairview, do hereby certify that this is the Official ballot form approved by the Study Commissioners of the City of Fairview.

In testimony whereof, we set our hands.

Done at Fairview, Montana this 2nd
day of October 1986.

Jean Lanouette

Mildred Delaney

Darlene A. Baber

Paul A. ...



Exhibit

ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSAL IF APPROVED

7-7-1986 LGA

(3) An Amendment to an existing plan of government becomes effective at the beginning of the local governments' fiscal year commencing after the election results are officially declared.

The effective date of the amended plan of local government of the City of Fairview takes effect July 1, 1987.

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

In testimony whereof, we set our hands.

Done at Fairview, Montana this 2nd

day of October, 1986.

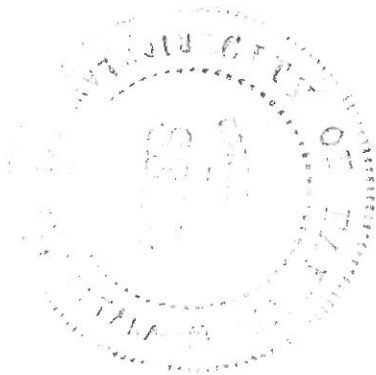
Attest:

Jean Lanouette

Mildred Delaney

Darlene A. Balle

Paul J. Trudell
Local Government Study Commissioners



SUPPLEMENTARY REPORT

7-3-190. Supplementary reports.

A study commission may prepare separate reports in addition to its final report.

At the September 1986 meeting of the Fairview Study Commission the Commissioners decided not to include a Supplemental report in this Final report to the Citizens of Fairview.

The main reason for not including a Supplemental report is the negative reaction that all previous suggestions from the Commission has received from the existing government of Fairview.

Realizing that this would probably again be the attitude with which a Supplemental report would be received, the Commissioners feel it would not be worth their time and effort to write such a report.

Areas considered for a possible Supplemental report were:

- (1) The City governments failure to follow the Montana Code as required, especially in budgeting but in other areas as well.
- (2) The creation of Citizen Advisory Boards.
- (3) More emphasis placed on efficiency of time and money and the differences between economy and efficiency.
- (4) The need of the Council to establish policy in several areas of the local government.

THREE YEAR MORATORIUM

7-3-155 MCA. Three-year moratorium.

(1) Unless the Constitution requires otherwise, the electors of any unit of local government which has voted upon the question of changing the form of local government or upon the question of amending the alternative form may not vote on the question of changing or amending the form of local government for three years.