

F I N A L R E P O R T
H A M I L T O N L O C A L G O V E R N M E N T
S T U D Y C O M M I S S I O N

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GOVERNMENT SERVICES
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CITY OF HAMILTON

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confirmed in his opinion: Intentionally or unintentionally, the state legislature had passed a law which mandates communities like Malta and Hamilton to utilize partisan elections unless they vote to change their form of government.

FINDINGS: Throughout the work of the Hamilton Local Government Study Commission, there has been no support for partisan elections for city offices. On the contrary, there has been consistent, thoughtful opposition to partisan elections for city offices. Here are some of the objections to partisan elections:

- Partisan elections for city offices would increase the cost of city elections because partisan elections require separate primaries, more ballots printed, costs of polling places and counting ballots.
- The popular post card ballot system, used for the first time during the last city election cannot be used to hold a partisan election. The economies of using this lower costs and wider voter participation system could not be made.
- Persons employed by agencies supported with federal funds would be prohibited from running for city offices if Hamilton used partisan elections.
- If the experience of other communities that do use partisan elections to elect their officials is an indicator, for example Missoula, the task of running a city government is unnecessarily complicated by the political posturing partisan elections bring with them.
- In a community of Hamilton's size, some people might be reluctant to run for office if they are required to declare their political affiliation.

When polled by members of the Hamilton Study Commission, leaders of both political parties stated that they were not in favor of partisan elections for city offices. Persons involved in politics pointed out to the commission that it normally costs more to run for a partisan office than a non-partisan office.

RECOMMENDATIONS: The Hamilton Government Study Commission recommends that the citizens of Hamilton vote for the specific adoption of non-partisan elections to select Hamilton city officials. Voting for this change in Hamilton's plan of government will keep things the way they are now:

- Elections will continue to be economical and efficient.
- Employees of the Rocky Mountain Lab, the Forest Service, and other agencies supported by federal funds will continue to be eligible to run for city office.
- Hamilton's City Government will be free of bickering based solely on political party differences.

Voting to retain the existing form of government or not voting on November 4, 1986, will result in the City of Hamilton being forced to adopt partisan elections to select its city officials.

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KEY PROVISIONS OF EXISTING AND PROPOSED
HAMILTON CITY GOVERNMENT FORMS

Administration

In an attempt to achieve these goals, the study commission has recommended that the concept of the mayor-council form of government be retained as it has evolved in Hamilton.

Representation

The Hamilton city elections are now performed on a non-partisan basis. But the Attorney General's opinion dictates that they will have to become partisan in 1987 and thereafter, if Hamilton does not adopt a form of government specifically providing for non-partisan elections. The study commission has found no support for partisan elections in the city of Hamilton. We recommend specifying non-partisan elections to formalize the desire of the people of Hamilton to elect their government on a non-partisan basis.

Organization/Structure

The organizational chart on page 4 illustrates the structure of both the current and proposed form of mayor-council government. (There is no difference.)

The city council is the policy-setting board of the city and is the ultimate authority.

The mayor is responsible for the administration of city government.

The city council, through ordinances, has established various boards to assist in managing the affairs of the city. These boards are: library, zoning, police, and parking. The positions on these boards are filled by citizens in the community.

In addition, the council members themselves are members of boards that oversee the business of the city. These boards are: airports, bills and claims, building, cemetery, library, parks, police sanitation, streets and alleys, ways and means, zoning, and others, as necessary.

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

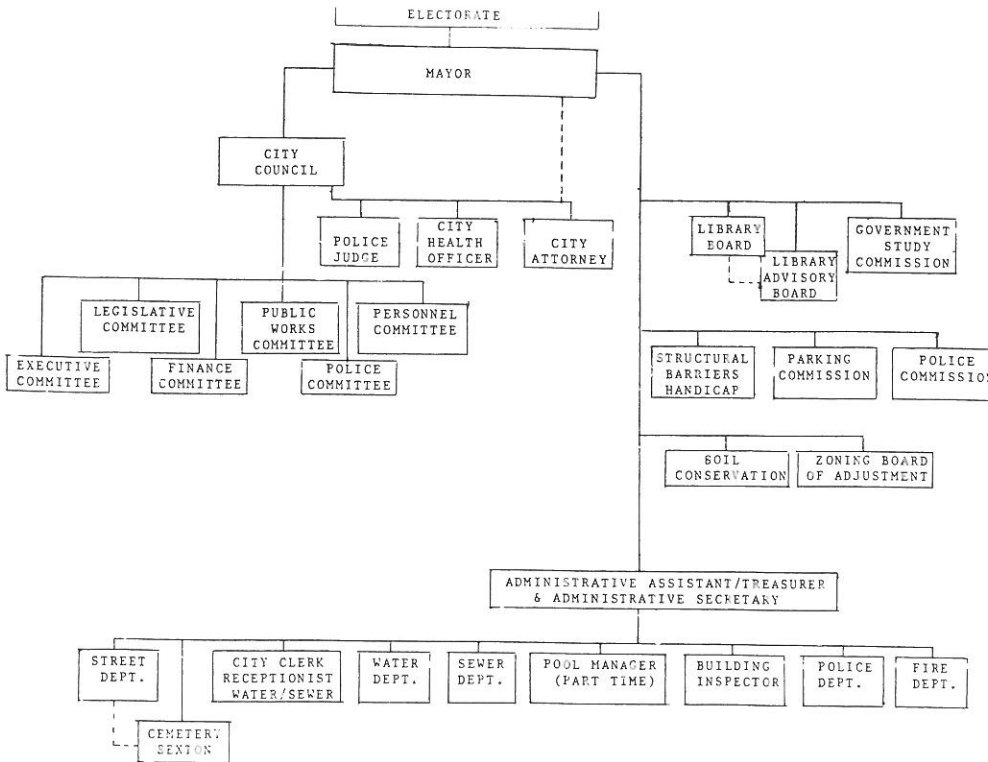
SAMPLE BALLOT

BALLOT ON CITY OF HAMILTON STUDY COMMISSION'S
PROPOSED FORM OF GOVERNMENT

Vote for one:

For the existing form of government with non-partisan elections.

For the existing form of government with partisan elections.



MINORITY REPORT: Traditionally, the power over governmental concerns of the city has been the prerogative of the State Legislature. The Legislature decided what city government should do and how it should do it. The new constitution provides that "self-government powers" can be adopted by cities along with an alternative form of government.

The adoption of self-government powers would significantly alter the traditional relationship between the state and the city. Certain areas of control would be transferred from the State Legislature to the city council. Many decisions that are now made on a statewide basis by the Legislature could be made at the city level. Statewide uniformity, while still mandated in certain areas, could be replaced in many other areas with procedures tailored to the particular needs of our city. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and greater responsibility to recognize and deal with these problems.

A minority of the Hamilton Local Government Study Commission came to the conclusion that the City of Hamilton would be well served by the adoption of self-government powers. Given the fiscal outlook facing the federal and state governments, the City of Hamilton needs to have as much control as possible in deciding its own fiscal policy. Self-Government Powers provide this measure of control. Self-Government Powers, including limitations to the taxing powers, can be adopted through an initiative process creating another Study Commission when needed.

CERTIFICATE

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

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

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

In testimony whereof, we set our hands.

Done in Hamilton this 19th day of September, 1986.

Attest: [Signature]
City Clerk of
Hamilton

[Signature]
[Signature]
[Signature]
Hamilton Government Study
Commissioners

[Signature]
[Signature]

C E R T I F I C A T E S

Establishing and Comparing the Existing and Proposed Plan of Government for the City of Hamilton

These certificates compare the Montana Statutes that provide authority for the City of Hamilton to operate. You will note that both the existing and proposed plans of government are identical except for the type of election specified in 7-3-219.

<u>Existing</u>	<u>Description</u>	<u>Proposed</u>
7-3-201	The mayor-council form consists of an elected council and elected mayor who is elected at large.	SAME
7-3-202(1)	The powers of the local government are authorized to be general government powers.	SAME
7-3-203	The mayor shall govern the city under the basic powers granted to the mayor under this title.	SAME
7-3-211	The plan of government shall further define the structural characteristics of the form by including the following:	SAME
7-3-212(2)	1. The mayor may appoint one or more administrative assistants to assist him in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the mayor.	SAME
7-3-213(4)	2. The mayor may appoint, with the consent of a majority of the council, all department heads. The mayor may remove department heads and may appoint and remove all other department employees.	SAME
7-3-214(2)	3. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the council.	SAME
7-3-215(1)	4. The mayor may prepare the budget in consultation with the council and department heads.	SAME
7-3-216(2)	5. The mayor may exercise control and supervision of the administration of all departments and boards.	SAME
7-3-217(3)	6. A financial officer (who may be called the "treasurer") may be appointed by the executive with the consent of the council.	SAME
7-3-218(2)	7. The council shall be elected by districts in which candidates must reside and which are apportioned by population.	SAME

- 7-3-219(1) 8a. LOCAL GOVERNMENT ELECTIONS SHALL BE CONDUCTED ON A PARTISAN BASIS AS PROVIDED IN THE TITLE 7-3-219, OPTION 1, MCA 1983.)))) 7-3-219(2)
- 8b. LOCAL GOVERNMENT ELECTIONS SHALL BE CONDUCTED ON A NON-PARTISAN BASIS AS PROVIDED IN THE TITLE 7-3-219, OPTION 2, MCA 1983.))))
- 7-3-220(1) 9. The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. SAME
- 7-3-221(3) 10. The presiding officer of the council shall be the mayor who shall decide all tie votes of the council, but shall have no other vote. The chairman of the council shall preside if the mayor is absent. SAME
- 7-3-222(2) 11. Council members shall be elected for overlapping terms of office. SAME
- 7-3-223(2) 12. The size of the council, which shall be a number not less than six (6), shall be established when the form is adopted by the voters, and community councils to advise council members may be authorized by ordinance. SAME
- 7-3-224 13. The term of office of elected officials shall be four (4) years, and shall be established when the form is adopted by the voters. SAME
- 4b. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers under title 7-3-202 RCM 1983. SAME

We, the Study Commissioners of Hamilton, do hereby certify that this is the Existing Plan of Government, the Proposed Plan of Government approved by the Study Commissioners of Hamilton, and a comparison of the two.

In testimony whereof, we set our hands.

Done in Hamilton this 19th day of September, 1986.

Attest: [Signature]
City Clerk of
Hamilton

[Signature]
[Signature]
[Signature]
[Signature]
Hamilton Government Study
Commissioners

BOUNDARIES OF WARDS:

WARD 1: All that part of the City of Hamilton lying or situated east of a line beginning at a point on the northern city limits (North line of Pennsylvania Ave.) that is directly opposite the center line of Lyndale Ave., thence south along the center line of Lyndale Ave., to the point where such line meets the center line of Adirondac St., thence west along the center line of Adirondac St. to the point where such line is directly opposite the center line of North Third St., thence south along the center line of North Third St., to and across Main St., and continuing along the center line of South Third St., to the point where such line touches the south boundary of the city, which is the south line of Bailey Ave. in Edgemont Addition.

WARD 2: All that part of the City of Hamilton within the city limits, lying or situated between Ward 1 (One) and Ward 3 (Three).

WARD 3: All that part of the City of Hamilton, lying or situated west of a line beginning at a point on the northern city limits, which is the north line of Pennsylvania Ave. that is directly opposite the center line of Erie Ave., thence south along the center line of Erie Ave. to the point where such line meets the center line of Adirondac St., thence west along the center line of North Sixth St., thence south along the center line of North Sixth St. to and across Main St., and continuing along the center line of South Sixth St. to the point where such line meets the southern boundary of the city, which is the south line of Desta Street.

(There is NO change in Ward Boundaries.)

We, the Study Commissioners of Hamilton, do hereby certify that this is the official apportionment plan for ward districts approved by the Study Commissioners of Hamilton.

In testimony whereof, we set our hands.

Done in Hamilton this 19th day of September, 1986.

Attest: [Signature]
City Clerk of
Hamilton

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
Hamilton Government Study
Commissioners

September 17, 1986

To the Citizens of Hamilton:

In November 1984, you -- the citizens of Hamilton -- elected each of us as Local Government Study Commissioners. For nearly two years we have studied Hamilton's form of government. We are now ready to present this final report summarizing our findings and recommendations. We have served as volunteers and expended only a fraction of the funds allocated to our commission by state law. We urge you to take a few moments to review our work.

According to state law, our responsibility as a study commission is to "study the form and powers of government and existing procedures for the delivery of local government service and compare them with other forms available under the laws of the State of Montana." To fulfill this responsibility, we have met with members of the City Council, the Mayor, past and present Administrative Assistants, heads of city departments and city employees. On July 14, we held a public hearing. All of our meetings were open to the public and we constantly sought opinions and ideas about how our city government should operate.

This final report proposes only a single change in Hamilton's form of government: Specific adoption of NON-Partisan elections. As we explain in our report below, unless Hamilton's voters approve this amendment to our plan of government on November 4, 1986, Hamilton will be forced to hold more expensive partisan elections in the future. We strongly recommend that you vote for the amendment we are proposing on election day. A YES vote will help to preserve Hamilton's tradition of NON-Partisan elections for local officials.

Sincerely,

Jack Edmonds

Beth Miller

Juanita Hork

Harry Sizeland

Jim Parker, Chairperson

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FINDINGS & RECOMMENDATIONS
HAMILTON LOCAL GOVERNMENT STUDY COMMISSION

The question of whether or not Hamilton's city officials will continue to be elected by a NON-Partisan election dominates the commission findings. Initially, the commission had planned to offer a series of recommendations (see minority report on page 4). However, an apparent oversight by the legislature and a consequent Attorney General's opinion, have forced us to limit the scope of our recommendations to the question of Partisan vs. Non-Partisan elections.

BACKGROUND: Late last year, the Attorney General issued an opinion that concludes with this sentence:

"...local elections under general government powers must be conducted on a partisan basis in the future unless the voters adopt a different plan of government." (Volume 41, #37)

The Attorney General was responding to a question raised by the Malta Local Government Study Commission. In the course of researching their local government, the Malta Study Commission discovered what the Attorney General