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**COLUMBIA FALLS STUDY COMMISSION
AGENDA
WEDNESDAY, FEBRUARY 12, 2025
COUNCIL CHAMBERS CITY HALL**

REGULAR MEETING – 5:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CONSENT AGENDA:

1. January 8, 2025 Study Commission Minutes

VISITORS/PUBLIC COMMENT (Items not on agenda)

UNFINISHED BUSINESS:

2. Adopt Study Commission Bylaws
3. Adopt Study Commission Timeline
4. Review Historical Documents

NEW BUSINESS:

5. Schedule Public Hearing for the March 12, 2025 meeting to receive public input
6. Review 2014 Survey Questions

MISCELLANEOUS

7. Proposals for the next agenda

ADJOURN

Next Scheduled Meeting: March 12, 2025 5:00 p.m.



City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912
Phone: (406) 892-4391

Item No.1.

COLUMBIA FALLS STUDY COMMISSION
Minutes
WEDNESDAY, JANUARY 8, 2025

Roll Call – Meeting called to order at 5:05 pm. Present: Study Commissioners Hopkins, Konopatzke, Nicosia and Piper. Also present: Interim City Manager Shrives

Nominate Chair and Vice-Chair – Konopatzke nominated Piper to serve as Chair and moved nominations closed, seconded by Hopkins. All members voted in favor of the motion. Konopatzke nominated Hopkins as Vice-Chair, nominations closed; seconded by Nicosia. All members voted in favor of the motion.

Public Comment (for Items not on the Agenda) - None

New Business:

Adopt Bylaws- Commission reviewed the draft by-laws from the Local Government Center (LGC) and edited as needed. Commission will adopt final at the February 12, 2025 meeting.

Adopt Budget – Commission reviewed the budget as adopted by the City council in their regular budget process for Fund 2350 Study Commission. Konopatzke made a motion to approve the budget as adopted by council; seconded by Nicosia. All voting in favor of the motion.

Adopt Timeline – Commission reviewed timeline requirements from LGC. Commission will adopt final timeline on February 12, 2025.

Review Current Form of Government – Commission briefly discussed current manager form of government and will complete review of the 2014 Study Commission Final Report as well as the adopted 1994 Ordinance. Hopkins indicated he was interested in looking at the 1976 report that recommended disincorporation.

Next agenda – adopt final bylaws, adopt timeline and review survey questions.
Meeting duly adjourned at 6:30 pm.

Chairman

Adjourn

Rules and Procedures for Governing City of Columbia Falls Study Commission

PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the 2024-2026 City of Columbia Falls Government Study Commission. These rules of procedure are intended to ensure that the Commission can accomplish its work efficiently, in full view of the public, and with reasonable opportunity for the public to participate in the deliberations and decisions of its government.

Section 1.02 Authority. These rules of procedure are promulgated pursuant to and supplement Title 2, Chapter 3 and Title 7, Chapter 3, Part 1 of the Montana Code Annotated.

PART II. Public Participation

Section 2.01 Policy. It is the policy of this Study Commission that the public shall be afforded reasonable opportunity to participate in the operations of the Study Commission prior to the final decision of the Study Commission concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing;
2. Hearing, discussion, or deciding on a proposal to alter the current form of government for the City of Columbia Falls;
3. Relating to the budgetary and financial affairs of the Study Commission.

Section 2.02 Open Meetings. A meeting of the City of Columbia Falls Study Commission is convened whenever a quorum of Study Commission members hear, discuss, or act upon any matter over which they have jurisdiction, whether corporal or by means of electronic equipment. All meetings of the Study Commission shall be open to the public, unless otherwise provided by law after consultation with qualified legal counsel.

Section 2.03 Notice. The City of Columbia Falls Study Commission will meet on every 2nd Wednesday of the month and shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law.

Additionally, the agenda of all scheduled meetings shall be posted on the designated public posting location(s) not later than 48 hours prior to the meeting.

Section 2.03 Public Posting. The City of Columbia Falls Study Commission will post official notices in compliance with 2-3-103, MCA and utilizing the city's designated official posting procedures.

PART II. Procedures.

Section 3.01 Quorum. A quorum of the City of Columbia Falls Study Commission shall consist of two voting Study Commission Members. No meeting of the Study Commission shall be convened without a quorum and no decision of the Study Commission on any matter requiring a majority vote of the Study Commission shall be made except by the affirmative vote of two Study Commission Members.

Section 3.02 Agenda Preparation. Proposed agenda matters requiring consideration, discussion, or decision by the Study Commission shall be submitted in writing to the Chairperson of the Study Commission or to the designated point of contact of the Study Commission by 12:00 noon on the Friday immediately preceding the next regularly scheduled meeting of the Board. The City Clerk shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Electronic or printed copies of the agenda shall be provided to each member of the Study Commission and made available to the public not later than 48 hours prior to the scheduled meeting.

Section 3.03 Order of Business. The presiding officer shall prepare the agenda in substantially the following form which may be altered by consent of the Study Commission:

1. Call the meeting to order
2. Roll Call of the Board Members
3. Public Comment on anything not on the agenda but within the jurisdiction of the Study Commission.
4. Approval of Minutes of the Previous Meeting
5. Unfinished Business
 - a. Matters that have previously been heard or considered but no final action has been taken.
6. New Business
7. Public Hearing (required by law for specific actions of study commission)
8. Proposals for next agenda
9. Adjournment

PART IV. Rules of Study Commission Participation.

Section 4.01 Policy. To provide for the effective participation by all members of the City of Columbia Falls Study Commission and to protect the right of participation by members of the public appearing before the Study Commission, all meetings of the Study Commission shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with the law or this policy.

Section 4.02 Rules. Study Commission debate shall proceed in accordance with the following rules:

1. A Study Commission Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Study Commission Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Study Commission Member while speaking is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Study Commission but must be seconded prior to discussion and vote. If the motion is not seconded it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Study Commission may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Study Commission Member of the prevailing side but may be seconded by any Study Commission Member and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Study Commission from making or remaking the same or any other proper motion at a subsequent meeting of the Study Commission, but the matter must be a scheduled agenda item.

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by the unanimous vote of the entire Study Commission.

Section 4.04 Majority of Whole Study Commission Required. The affirmative vote of two Study Commission's Members is required to adopt any measure unless a greater number of votes may be required by law or ordinance.

Section 4.05 Duty to Vote. It shall be the duty of each Study Commission Member to vote in the affirmative or negative on each motion duly placed before the Study Commission by the presiding officer. A Study Commission Member may make a brief explanation of the reason why she or he voted in a particular way.

Section 4.06 Proxy Voting. A Study Commission Member who is not present in the meeting at the time a motion is put to a vote cannot vote. Study Commission Member shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest. Any member of the Study Commission who has a private interest, as defined by law or as so advised by the City Attorney, in any matter pending before the City of Columbia Falls Study Commission shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Study Commission, except as otherwise provided by [2-2-201, MCA](#). If the presiding officer has a private interest in a matter pending before the Study Commission, he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which she or he has a private interest.

PART V. Public Hearings

Section 5.01 Procedures. The Study Commission shall conduct public hearings as required by law. Public testimony will be presented to the Study Commission in the same format as public hearings before the city council.

The following rules of procedure shall apply:

1. The presiding officer or staff member presents the items to the Study Commission along with a brief description of the matter for discussion.
2. For the purpose of clarification and after recognition by the presiding officer, Study Commission members may direct questions about the item to the presiding officer or staff member.
3. The presiding officer will then invite members of the audience to present or submit testimony on the items to be discussed.
4. All testimony shall be directed to the presiding officer.
5. The presiding officer shall close the public hearing.
6. The Study Commission shall then upon a proper motion and second, vote on the matter.

PART VI. Guide for Public Participation

Section 6.01 Guidelines for Public Participation. The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the City of Columbia Falls Study Commission.

1. The public shall be invited to speak on any item under consideration by the Study Commission after recognition by the presiding officer.
2. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
3. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. All prepared statements shall become a part of the permanent record.

4. While the Study Commission is in session, members of the public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Study Commission nor disturb any member of the public or of the Study Commission while speaking or refuse to obey the orders of the presiding officer of the Study Commission.
5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Study Commission by the presiding officer, unless permission to continue be granted by a majority vote of the Study Commission.
6. Public comment may be limited at the discretion of the presiding officer.

Study Commission Timeline

<u>Date:</u>	<u>Activity:</u>
January 8, 2025	Regular Meeting
February 12, 2025	Regular Meeting
March 3, 2025	Finalize Survey Survey Deadline
March 12, 2025	Regular Meeting Public Hearing (Input)
April 9, 2025	Regular Meeting
Mid-May	Tentative Report Adoption
June 11, 2025	Regular Meeting Public Hearing (2 nd) – on Report
July 9, 2025	Adopt Final Report & Submit to City Council
August 9, 2025	Final Meeting/Publish Final Report

ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Adoption of Alternative Form of Government

MCA 7-3-102

Each local government in the state shall adopt one of the alternative forms of government:

1. The commission-executive form (which may also be called the council-executive, the council-mayor, or the commission-mayor form);
2. The commission-manager form (which may also be called the council-manager form);
3. The commission form;
4. The commission-presiding officer form;
5. The town meeting form; or
6. The charter form.

General Powers

Article XI, Section 4, Montana Constitution

MCA 7-1-4124

- A local government unit without self-government powers has general powers:
 - An incorporated city or town has liberally construed powers of a municipal corporation and legislative, administrative and other powers provided or implied by law Art XI, sec 4, Montana Constitution MCA 7-1-4124

Self Governing Powers

Article XI, Section 4 and 5, Montana Constitution

- A local government unit adopting a self-governing charter may exercise any power not prohibited by the Montana Constitution or charter.
- Self-governing form of government may be initiated by petition; or called by the governing body of the current government unit; or by charter provisions.

Self-governing Charter

Article XI, Section 6, Montana Constitution

MCA 7-3-701 – MCA 7-3-709

- May exercise any executive legislative, administrative power not prohibited by the Montana Constitution, law, or charter.
- Charter shall define powers, structures, privileges, rights, duties and limitations of the local government.

Commission – Executive (Council – Mayor, Commission – Mayor)

- Government Plan: *Self-governing* or *General Government Powers* [MCA 7-3-202](#)
- Elected Commission (Council) and Elected Executive (Mayor) [MCA 7-3-201](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-211](#):
 - Executive *shall* or *may* appoint direct report assistant(s) [MCA 7-3-212](#)
 - Executive has *final, shared, or no* Executive Veto power [MCA 7-3-214](#)
 - Executive *presents to* or *develops with* the Commission a budget [MCA 7-3-215](#)
 - Executive has *exclusive supervision* over boards and departments or *limited by ordinance* [MCA 7-3-216](#)
 - Financial officer (Treasurer) is *elected, appointed, or selected* [MCA 7-3-217](#)
 - Commission members *elected at large, by districts or combination* [MCA 7-3-218](#)
 - *Partisan or non partisan* local government elections [MCA 7-3-219](#)
 - *Elected* Commission Chair (by commission) or *selected by ordinance* [MCA 7-3-220](#)
 - Commission presiding officer as *voting, non voting, or tie-vote only chair or executive* [MCA 7-3-221](#)
 - Elect commission for *concurrent* or *overlapping* terms in office [MCA 7-3-223](#)
 - Commission size determined by vote, minimum of three (3) commissioners [MCA 7-3-222](#)
 - Elected office terms may not exceed four (4) years, established by voters [MCA 7-3-224](#)
- See also MCA Title 7, Ch. 3, part 41-44

Commission – Manager (Council – Manager)

- Government Plan: *Self-governing* or *General Government Powers* [MCA 7-3-302](#)
- Elected Commission (council) [MCA 7-3-301](#)
- Commission appoints Manager, indefinite term, basis or merit, removed by commission majority vote [MCA 7-3-303](#)
- Manager is the chief administrative officer responsible to the commission for government issues by law, ordinance, or resolution [MCA 7-3-301](#)
- Structural options (voted by qualified electors when form of government adopted) [MCA 7-3-311](#):
 - Members of all boards (except temporary advisory committees) shall be appointed by *chairman/manager with commission consent* or *by commission* [MCA 7-3-312](#)
 - Commission members *elected at large, by districts, or combination* [MCA 7-3-313](#)
 - *Partisan or nonpartisan* local government elections [MCA 7-3-314](#)
 - Commission Chair shall be *elected by commission members from their own for a term established by ordinance, or elected by qualified electors for a term, or by ordinance* [MCA 7-3-315](#)
 - Elect commission for *concurrent* or *overlapping* terms in office [MCA 7-3-316](#)
 - Commission size determined by vote, minimum of three (3) Commissioners [MCA 7-3-317](#)
 - Community Councils that advise the commissioners may be *authorized by ordinance* or *a minimum of three (3) members elected from each district* [MCA 7-3-317](#)
 - Elected office terms may not exceed four (4) years, established by voters [MCA 7-3-318](#)
- See also MCA Title 7, Ch. 3, part 41-44

Commission Government (Commission – Council)

- Government Plan: *General Government Powers* [MCA 7-3-402](#)
- Elected Commission (council) [MCA 7-3-401](#)
- The Commission has all legislative, executive, and administrative duties of local government not reserved by law or ordinance to other elected officials [MCA 7-3-303](#)
- Commission appoints the heads of departments, except those appointed by other elected officials. May transfer executive and administrative powers/duties to departments headed by individual commissioners [MCA 7-3-401](#)
- Commission Chair may be referred to as Mayor, presides over commission and appoints all board and committee members [MCA 7-3-303](#)
- Commission Chair has same weight vote as all other commission members [MCA 7-3-403](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-411](#):
 - Commission members *elected at large, by districts in which candidates must reside and which are apportioned by population, or combination* [MCA 7-3-412](#)
 - *Partisan or non partisan* local government elections [MCA 7-3-413](#)
 - Commission Chair shall be *elected by commission members from their own for a term established by ordinance, or elected by qualified electors for a term, or by ordinance* [MCA 7-3-414](#)
 - Elect commission for *concurrent or overlapping* terms in office [MCA 7-3-416](#)
 - Commission *size determined by vote*, minimum of three (3) Commissioners [MCA 7-3-417](#)
 - Community Councils that advise the commissioners may be *authorized by ordinance or a minimum of three (3) members elected from each district* [MCA 7-3-417](#)
 - Elected office terms may not exceed four (4) years, established by voters (except from under Article XI, section 3 (2) – not to exceed six years) [MCA 7-3-418](#)
- See also MCA Title 7, ch. 3, part 41-44

Commission - Presiding Officer Government

- Government Plan: *Self-governing or General Government Powers* [MCA 7-3-502](#)
- Elected Commission (council) and a commission chair (presiding officer, mayor or president) [MCA 7-3-501](#)
- Commission elects Chair from their own [MCA 7-3-502](#).
- Commission chair is the presiding officer of the commission and head of the local government; appoints and removes department heads (with commission approval) [MCA 7-3-503](#)
- Commission Chair has same weight vote as all other commission members [MCA 7-3-503](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-511](#):
 - Commission members *elected at large, by districts in which candidates must reside and which are apportioned by population, or combination* [MCA 7-3-512](#)
 - *Partisan or non partisan* local government elections [MCA 7-3-513](#)
 - Commission Chair *shall or may* appoint one (1) or more administrative assistant to assist in supervision and operation and answer directly and exclusively to the Chair [MCA 7-3-514](#)
 - Elect commission for *concurrent or overlapping* terms in office [MCA 7-3-515](#)
 - Commission *size determined by vote*, minimum of three (5) Commissioners [MCA 7-3-516](#)
 - Community Councils members that advise the commissioners may be *authorized by ordinance or a minimum of three (3) members elected from each district* [MCA 7-3-516](#)
 - Elected office terms may not exceed four (4) years [MCA 7-3-418](#)

Town Meeting Government

- Government Plan: *Self-governing or General Government Powers* [MCA 7-3-602](#)
- Consists of an assembly of the qualified electors of a town (a town meeting an elected town chair, and an optional elected town mediator [MCA 7-3-601](#)(1))
- Form may only be adopted by an incorporated city of less than 2,000 persons and may maintain this form after population increases [MCA 7-3-601](#)(2)
- All legislative powers of the town shall vest in the town meeting. The town meeting may enact rules, resolutions, and ordinances [MCA 7-3-601](#)(3)
- Shall convene annual town meeting on the first Tuesday in March. Special town meetings may be called by the chair or by a minimum 10% qualified electors [MCA 7-3-603](#)(1)
- Only and all qualified electors may attend meetings, participate in discussion, and vote. A
- quorum is 10% of the qualified electors [MCA 7-3-603](#)(2,3)
- Election of town officials shall be by secret ballot, nonpartisan and by plurality by those qualified voters present. All other voting is by simple majority of those qualified electors present and voting [MCA 7-3-603](#)(4,5)
- An agenda of the annual and special town meeting and a list of the elective and appointive offices to be filled must be prepared by the town presiding officer and is published two weeks in
- advance. A particular item may be included to the agenda upon written petition by a minimum of
- 10% of the qualified electors [MCA 7-3-604](#)
- First agenda of the first town meeting following adoption of this form shall be conducted by the local study commission chair and shall preside over election of town officers [MCA 7-3-605](#)
- The town meeting elects a chair for not less than one (1) year and not more than two years. As chief executive officer, the chair enforces the laws, administers the affairs of the town, reports and makes recommendation at the town meetings [MCA 7-3-606](#)(1)
- The chair appoints members of all boards, and appoints and removes all employees of the town.
- Chair supervises all departments and boards [MCA 7-3-606](#)(2)
- Compensation of town chair shall be established by ordinance [MCA 7-3-606](#) (2i,k), (3)
- Permanent committees to advise the town chair may be established by ordinance. Temporary advise committees may be established by chair [MCA 7-3-607](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-611](#):
 - Town meeting shall *elect* a town meeting moderator for one (1) year term or designate town chair to preside over meeting [MCA 7-3-612](#)
 - Town Chair shall or may appoint an administrative assistant answerable solely to the town chair with powers delegated by the town chair [MCA 7-3-613](#)

Charter Government

- Government Plan: *Self-governing powers* [MCA 7-3-702](#)
- Charter form of government shall be established by a charter which is a written document defining the powers, structure, privileges, rights, and duties of the local government and shall not limit the self-governing powers granted by the constitution and a commission chair (mayor or president) [MCA 7-3-703](#)
- The Legislature provides that procedures for a local government unit to adopt a self-government charter with the approval of a majority of those voting on the question [MCA 7-3-701](#)
- Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions [MCA 7-3-701](#)(2)
- Charter may provide that the executive and administrative functions will be performed by one or all members of the legislative body (commission or council) as specified in the voter approved charter 46 A.G. Op. 14(1996)
- Charter provides for an *elected body* (council or commission) or a legislative body consisting of
- *all qualified electors* [MCA 7-3-704](#)
- Popular vote determines the Charter and it specifies which official of government will be chief administrative and executive officer, method of election, term, powers, duties and grounds for removal [MCA 7-3-705](#)(1)
- A charter form of government shall have officers, departments, boards, commissions, and agencies as required in the charter, local ordinance, or required by state law [MCA 7-3-705](#)(2)
- Charter specifies effective date and may use partial effectiveness for transition period [MCA 7-3-707](#)
- Charter may not modify local court systems [MCA 7-3-708](#)
- Charter must comply with state established procedures for elections, initiatives, and referendums [MCA 7-3-708](#)(2)

Post
PUBLIC

PETITION FOR THE ADOPTION
OF THE COMMISSION MANAGER
FORM OF GOVERNMENT FOR
COLUMBIA FALLS, MONTANA

If 15% of the voters in the City of Columbia Falls sign this petition and the total number of voters signing is 202 this measure will appear on the November 3, 1992, election ballot.

We, the undersigned voters, propose that the County Election Administrator place the following measure on the special election ballot.

STATEMENT OF PURPOSE

This measure proposes to alter the existing municipal council-mayor form of government of the City of Columbia Falls by adopting the commission-manager form of government, as provided by Title 7, Chapter 3, Part 3 of the Montana Code Annotated. If adopted by the voters, the proposed form will provide for general powers, non-partisan elections for the mayor and six councilmembers, and an appointed manager to perform the administrative functions of the city government.

Vote for one:

☐ FOR adoption of the commission-manager form of government proposed for the City of Columbia Falls proposed by petition of the people.

☐ FOR the existing form of government.

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

Vote for one:

The chairman (mayor) of the commission:

☐ Shall be elected by the members of the commission from their own number for a term established by ordinance.

☐ Shall be elected by the qualified electors for a term of office.

Voters are urged to read the complete text of the measure which appears attached to this petition. A signature on this petition is only to put the measure on the ballot and does not necessarily mean a signer agrees with the measure.

This petition was first circulated on March 23, 1992, and all signatures must be collected within 90 days.

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered city voter is subject to a \$500 fine, six months in jail, or both. Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE (as registered)	Printed Last Name	Post Office Address (as registered)	Date Signed
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1. _____
2. _____
3. _____

STATEMENT OF PURPOSE

This measure proposes to alter the existing municipal council-mayor form of government of the City of Columbia Falls by adopting the commission-manager form of government, as provided by Title 7, Chapter 3, Part 3 of the Montana Code Annotated. If adopted by the voters, the proposed form will provide for general powers, non-partisan elections for the mayor and six councilmembers, and an appointed manager to perform the administrative functions of the city government.

Voters are urged to read the complete text of the measure which appears attached to the petition. A signature on this petition is only to put the measure on the ballot and does not necessarily mean a signer agrees with the measure.

COMPLETE SIGNATURE (as registered)	Printed Last Name	Post Office Address (as registered)	Date Signed
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CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF COLUMBIA FALLS, MONTANA

If retained by the voters, the government of Columbia Falls shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1); (City Ordinance 465 authorizes an appointed treasurer pursuant to 7-4-4102(4)(c) M.C.A.).
- (j) 7-3-218(2);
- (k) 7-3-219(1); (City Resolution 822 authorizes nonpartisan elections pursuant to 13-1-104(1) M.C.A.).
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

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

7-3-203. Duties of the 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 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.

7-3-212. **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. **Supervision of personnel.** The executive may appoint, with the consent of a majority of the commission, all department heads and remove departments heads and may appoint and remove all other department employees.

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

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

7-3-216. **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. **Financial officer.** A financial officer (who may be called the treasurer) shall be elected. (City Ordinance 465 authorizes an appointed treasurer pursuant to 7-4-4102(4)(c) M.C.A.)

7-3-218. **Selection of commission members.** The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. **Type of election.** Local government elections shall be conducted on a partisan basis. (City Resolution 822 authorizes nonpartisan elections pursuant to 13-1-104(1) M.C.A.)

7-3-220. 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. Presiding officer of the 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. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

SEAL

I, Ed Toren, Mayor of the City of Columbia Falls, Montana, do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

In testimony whereof, I set my hand.

Done at Columbia Falls this
5th day of March, 1992.

ATTEST:

Connie Konopatzke
Connie Konopatzke, City Clerk

Ed Toren
Ed Toren, Mayor

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF COLUMBIA FALLS, MONTANA

If approved by the voters, the government of Columbia Falls shall be organized under the following provisions of Title 7, Chapter 3, Part 3, M.C.A. which authorizes the municipal commission-manager form of government.

- (a) 7-3-301;
- (b) 7-3-302(1);
- (c) 7-3-303;
- (d) 7-3-304;
- (e) 7-3-305;
- (f) 7-3-312(3);
- (g) 7-3-313(1);
- (h) 7-3-314(2);
- (i) 7-3-315(1) or (2);
- (j) 7-3-316(2);
- (k) 7-3-317(2);
- (l) 7-3-318.

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

7-3-301. Commission-manager form. The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

7-3-302. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:
(1) enforce laws, ordinances, and resolutions;
(2) perform the duties required of him by law, ordinance, or resolution;
(3) administer the affairs of the local government;
(4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;

- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but he may not vote;
- (12) prepare and present the budget, to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government.

- (1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.
- (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.
- (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

7-3-312. Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.

7-3-313. Selection of commission members. The commission shall be elected at large.

7-3-314. Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-315. Chairman of commission. The chairman of the commission shall be (1) elected by the members of the commission from their own number for a term established by ordinance; or (2) elected by the qualified electors for a term of office. (To be determined by the voters as a suboptional choice.)

7-3-316. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317. Size of commission and community councils. The size of the commission shall be seven (7), and community councils to advise commissioners may be authorized by ordinance.

7-3-318. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Citizens Study Committee of Columbia Falls, Montana, do hereby certify that this is the proposed plan of government as established by 7-3-114 M.C.A.

In testimony whereof, we set our hands.

Done at Columbia Falls, this 5th day of March, 1992.

ATTEST:

Connie Konopatzke
Connie Konopatzke, City Clerk

Ann Kaplan
Chairman

Edwin H. Town

Gregory D. Kasper

John Hume

CHIEF ADMINISTRATIVE OFFICER	The elected mayor administers the government on a part time basis.	The hired manager administers government on a full time basis.	The voters now determine who shall administer government. The proposal allows the council to hire the administrator on the basis of merit and skills.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The manager carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	Role of mayor will be to serve as a voting council member and to preside over council meetings.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The council appoints and removes the manager. The manager appoints department heads and employees. The council appoints members of boards and commissions.	Department heads are appointed on the basis of their qualifications under both forms. The council will be responsible for appointing the manager and members of boards and commissions.
Budget Preparation	Mayor prepares budget in cooperation with department heads. Budget is then modified and approved by the city council.	Manager prepares the budget, with the cooperation of department heads. The council considers, modifies and approves the budget.	Manager balances priorities set by the council with available resources, and also balances the needs of each department with overall needs and the resources of the community.

CITY OF COLUMBIA FALLS
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
MAYOR-COUNCIL AND COMMISSION-MANAGER FORMS OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	COMMISSION-MANAGER Elected council performs policy making functions. Manager is hired to administer policy with council direction.	Separation of executive (administrative) and legislative powers is blurred with mayor-council form. With commission-manager form the executive and legislative powers are separated. The manager is appointed on the basis of experience and training.
POWERS	General government powers	General government powers	No change
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	The council makes policy. It hires a manager to carry out decisions and administer government.	The council is freed from administrative role to concentrate on policy making role.
Size	6 councilmembers elected by district (ward) in nonpartisan elections.	6 councilmembers elected at large	Election at large will encourage councilmembers to adopt a city wide perspective in making policy decisions.
Term	Four year overlapping terms	Same	No change
Presiding Officer	Mayor	A chairman who may be called mayor.	The method of selecting the chairman (mayor) will be determined by the voters.

RESOLUTION NO. 951

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, ORDERING A SPECIAL PRIMARY AND GENERAL ELECTION FOR THE PURPOSE OF ELECTING SIX COMMISSION MEMBERS AND A MAYOR (CHAIRMAN) REQUIRED BY THE CITY'S CHANGE TO A COMMISSION-MANAGER FORM OF GOVERNMENT.

WHEREAS, by election held November 3, 1992, the qualified electors of the City approved the adoption of the commission-manager form of government for the City of Columbia Falls; and

WHEREAS, Section 7-3-160, M.C.A. (1991) requires that the City order a primary and general election for the purpose of electing the officials required by the new form of government within twenty (20) days after the election at which the new plan of government was approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Primary Election. That a primary election in the City of Columbia Falls, if necessary, is hereby ordered and directed to be held on September 14, 1993, for the purpose of electing six (6) at-large commission members and a mayor (chairman) for the new commission-manager form of government approved by the electors, and that the deadline for filing a declaration of nomination for such positions shall be, according to law, July 1, 1993.

Section Two. General Election. That the general election for the election of said officials is hereby ordered and directed to be held on November 2, 1993.

Section Three. First Meeting. That the first meeting of the new governing body elected at such election shall be held, pursuant to law, at 10 o'clock a.m., on January 3, 1994, at which time the newly elected officials shall take the oath of office prior to assuming the duties of office.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 16th DAY OF November, 1992, THE COUNCIL VOTING AS FOLLOWS:

AYES: Christman, Guidi, Kolodziejchuk

NOES: Cheff, Allison

ABSENT: Stumpin

Connie Konopacko
city clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 16th DAY OF November, 1992.

X Edwin H. Toren
Mayor

ATTEST:
Connie Konopacko
city clerk

ATTORNEY GENERAL
STATE OF MONTANA

Joseph P. Mazurek
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

VOLUME NO. 45

OPINION NO. 15

CITIES AND TOWNS - Election or appointment of city judge after adoption of commission-manager form of government;
ELECTIONS - Election or appointment of city judge after adoption of commission-manager form of government;
JUDGES - Election or appointment of city judge after adoption of commission-manager form of government;
LOCAL GOVERNMENT - Alternative forms of commission-manager government;
MUNICIPAL GOVERNMENT - Alternative forms of commission-manager government;
PUBLIC OFFICERS - Election or appointment of city judge after adoption of commission-manager form of government;
MONTANA CODE ANNOTATED - Title 7, chapter 3; sections 7-3-125, 7-3-4301, 7-3-4305, 7-3-4462, 7-4-4102;
OPINIONS OF THE ATTORNEY GENERAL - 45 Op. Att'y Gen. No. 1 (1993), 41 Op. Att'y Gen. No. 48 (1986).

HELD: When a city of the third class adopts a commission-manager form of government established in Mont. Code Ann. tit. 7, ch. 3, pt. 3, the city is not bound by Mont. Code Ann. § 7-3-4462 requiring an election of the city judge, but rather may continue to appoint its city judge under an ordinance passed pursuant to Mont. Code Ann. § 7-4-4102.

October 22, 1993

Ms. Katherine Curtis
Columbia Falls City Attorney
P.O. Box 329
Columbia Falls, MT 59912

Dear Ms. Curtis:

You have requested my opinion on an issue which I have rephrased as follows:

Where a city has adopted the commission-manager form of government described in title 7, chapter 3, part 3, may it continue by ordinance to appoint; rather than elect, the city judge?

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October 22, 1993

On November 3, 1992, the voters of the City of Columbia Falls (hereinafter referred to as "the City") voted to alter its council-mayor form of government and adopt the commission-manager form of government described in Mont. Code Ann. tit. 7, ch. 3, pt. 3. The position of city judge was neither addressed nor considered when the new form of government was adopted. The City is currently operating under an ordinance which provides for the appointment of the city judge.

Your question arises from the language of Mont. Code Ann. § 7-3-4462 which provides in pertinent part:

- (1) In each municipality having a commission-manager form of government, a city judge shall be elected every 4 years in a nonpartisan election held in conjunction with the regularly scheduled municipal election.

You note that this section seems to conflict with Mont. Code Ann. § 7-4-4102(3) which expressly allows a city of the third class to determine by ordinance whether the office of city judge shall be filled by appointment by the governing body or by election. The underlying question then is whether the City necessarily became subject to the requirement in Mont. Code Ann. § 7-3-4462, requiring the city judge to be elected, when it adopted a commission-manager form of government.

It must first be recognized that there are a number of different forms of government which a local government may adopt. This choice was created by the 1972 Montana Constitution which required the legislature to provide optional or alternative forms of government that each local government unit or units could adopt, amend, or abandon. Mont. Const. art. XI, § 3. The new Constitution further required the legislature to develop the procedures for each local government unit to review its structure and submit one alternative form of government to the qualified electors at the next general or special election. Mont. Const. art. XI, § 9.

In accordance with these mandates, the legislature defined the alternative forms of government and established the procedures for changing the form of local government. See Mont. Code Ann. § 7-3-101 (purpose of Mont. Code Ann. tit. 7, ch. 3, pts. 1-7 is to comply with Mont. Const. art. XI, § 3(1)). Under these procedures, a local government is given the option of adopting five basic alternative forms of government or a charter form of government. Mont. Code Ann. tit. 7, ch. 3, pts. 1-7. Within each form of government, the local government is also provided a list of suboptions to further define the structure and nature of its

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government. For example, in establishing a commission-manager form of government the voters may choose between self-government and general government powers (Mont. Code Ann. § 7-3-302), how members of boards are appointed (Mont. Code Ann. § 7-3-312), how commission members are selected (Mont. Code Ann. § 7-3-313), what type of election to have (Mont. Code Ann. § 7-3-314), and other similar options relating to how the chairman is selected, the terms of commission members and the size of the commission (Mont. Code Ann. § 7-3-315 to -317). Under the commission-manager form of government there are, therefore, numerous suboptions which may be selected by the local government in establishing its actual structure and operation.

When these new options and suboptions were established by the legislature, the old statutory bases for the existing forms of municipal government were nonetheless retained. For example, the old commission-manager form of government is still described in Mont. Code Ann. tit. 7, ch. 3, pts. 43 and 44, and the strong and weak mayor forms of government are described in parts 41 and 42. Three municipal governments--Bozeman, Great Falls and Helena--had adopted the old commission-manager form of government prior to the enactment of Mont. Code Ann. §§ 7-3-101 to -709. Helena and Great Falls have since adopted charters pursuant to Mont. Code Ann. § 7-3-701. Only the City of Bozeman continues to operate under the old commission-manager statutes. It is important to recognize that this older set of statutes defines a commission-manager form of government that is separate and distinct from the new commission-manager form of government detailed in Mont. Code Ann. tit. 7, ch. 3, pt. 3.

It becomes apparent that there are two different forms of a commission-manager government when the provisions establishing each form are compared. In order to adopt the commission-manager form of government established in title 7, chapter 3, part 3, the voters must prepare a petition in compliance with Mont. Code Ann. § 7-3-125. The petition must be signed by 15 percent of the electors and must be accompanied by a certificate which contains the "plan of government" in which all of the suboptions are detailed. See Mont. Code Ann. § 7-3-142.

In distinct contrast to these procedures, parts 43 and 44 of title 7, chapter 3, require a wholly different process in order to adopt the old municipal commission-manager form of government. Mont. Code Ann. § 7-3-4301(1) provides: "Any municipality may abandon its organization and reorganize under the provisions of this part and part 44 by proceeding as hereinafter provided." In 1991, when the City was proposing to change its new form of

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government, Mont. Code Ann. § 7-3-4305 defined the process of adopting the old commission-manager form as follows:

(1) Upon a petition being filed with the city or town council, signed by not less than 25% of the qualified electors of such municipality registered for the last preceding general municipal election, praying that the question of reorganization under this part and part 44 be submitted to the qualified electors of such municipality, said city or town council shall thereupon and within 30 days thereafter order a special election to be held, at which election the question of reorganization of such municipality under the provisions of this part and part 44 shall be submitted to the qualified electors of such municipality.

Thus, in order to adopt the form of government set forth in parts 43 and 44, the petition proposing the change in government must explicitly propose reorganization under those parts and contain signatures from 25 percent of the municipality's registered voters.

With respect to the facts underlying your question, the City went through those procedures set forth in Mont. Code Ann. § 7-3-125 and proposed adoption of the commission-manager form of government contained in title 7, chapter 3, part 3. The petition explicitly stated that the proposed plan of government was that described in title 7, chapter 3, part 3. Signatures from only 15 percent of the registered electorate were required in order to bring the matter to a vote. The City, therefore, did not follow any of the procedures required by Mont. Code Ann. § 7-3-4305 and cannot be considered to have adopted any of the provisions in the commission-manager form of government set forth in Mont. Code Ann. tit. 7, ch. 3, pts. 43 and 44.

Mont. Code Ann. § 7-3-4462 is part of the statutes defining the structure of the old commission-manager form of government. The City would only be bound by this statute had it adopted the commission-manager form of government described in parts 43 and 44 of title 7, chapter 3. Since the City did not adopt that form of government, it is not bound by this section and is not required to provide for the election, rather than the appointment, of its city judge. The City may therefore continue pursuant to Mont. Code Ann. § 7-4-4102(3) to determine by ordinance whether the city judge is appointed or elected.

This conclusion is consistent with prior Attorney General's Opinions which have recognized that the recent statutory scheme

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Item No.4.

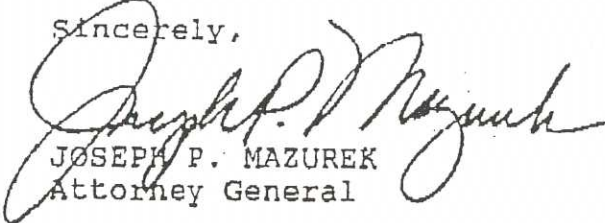
defining new forms of government necessarily controls when the new and the old schemes are in conflict. See, e.g., 45 Op. Att'y Gen. No. 1 (1993) (municipal commission-manager forms of government controlled by the later statutes); 41 Op. Att'y Gen. No. 48 at 200, 202 (1986) (earlier statutes, to the extent of any repugnancy, are controlled by the later statutes). Here, however, I need not rely upon this reasoning because your question does not involve reconciling a conflict between the old and the new schemes. Rather, the City clearly adopted only the new commission-manager form of government defined in title 7, chapter 3, part 3, and therefore is not bound by the older statutes.

I have received a large number of signed petitions requesting that I give the opinion that the city judge must be elected. Under Mont. Code Ann. § 7-4-4102(3), the governing body of a city of the third class has the authority to determine by ordinance how the city judge is selected. Although the City's ordinance currently provides for the appointment of its city judge, nothing in the statutes precludes the City from amending this ordinance in order to provide for the election of the city judge.

THEREFORE, IT IS MY OPINION:

When a city of the third class adopts a commission-manager form of government established in Mont. Code Ann. tit. 7, ch. 3, pt. 3, the city is not bound by Mont. Code Ann. § 7-3-4462 requiring an election of the city judge, but rather may continue to appoint its city judge under an ordinance passed pursuant to Mont. Code Ann. § 7-4-4102.

Sincerely,


JOSEPH P. MAZUREK
Attorney General

jpm/elg/pdl

RESOLUTION NO. 977

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA FOR SUBMITTING TO THE ELECTORS THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION.

WHEREAS, Article XI, Section 9, of the Montana Constitution requires that the question of conducting a local government review and establishing a study commission be submitted to the electors in 1984 and thereafter whenever ten (10) years have elapsed since the electors have voted on the question; and

WHEREAS, ten (10) years have elapsed since the electors of the City of Columbia Falls have voted on the question.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. That on June 7, 1994, the primary election date, the question of conducting a local government review and establishing a study commission shall be submitted to the electors of the City of Columbia Falls in the following form:

Vote for one:

- ☐ FOR the review of the government of the City of Columbia Falls, Montana and the establishment of a local government study commission consisting of three (3) members to examine the government of the City of Columbia Falls and submit recommendations thereon.
- ☐ AGAINST the review of the government of the City of Columbia Falls, Montana and the establishment of a study commission.

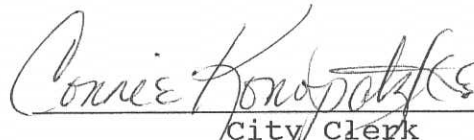
Section Two. This Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 7th DAY OF March, 1994, THE COUNCIL VOTING AS FOLLOWS:

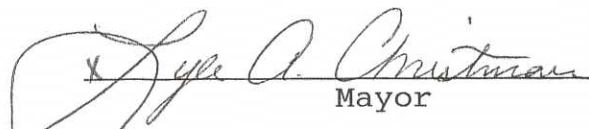
AYES: Christman, Allison, Cheff, Karper, Kolodejchuk, Krueger, Newman

NOES: None

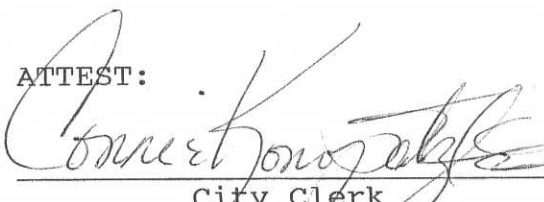
ABSENT: None


City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 7th DAY OF March, 1994.


Mayor

ATTEST:


City Clerk

RESOLUTION #1671

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA,
CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT
REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the Columbia Falls City Council is the governing body of the City of Columbia Falls.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council of Columbia Falls hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 3, 2014.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members (*or other odd number of members greater than 3*) shall be elected at the general election on November 4, 2014.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

☐ FOR the review of the government of the City of Columbia Falls and the establishment and funding, not to exceed \$12,000, of a local government study commission consisting of three members to examine the government of *the City of Columbia Falls* and submit recommendations on the government.

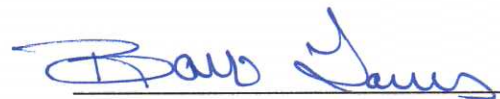
☐ AGAINST the review of the government of *the City of Columbia Falls* and the establishment and funding, not to exceed \$12,000, of a local government study commission consisting of three members to examine the government of *the City of Columbia Falls* and submit recommendations on the government.

Passed and adopted by the City Council of the City of Columbia Falls, Montana meeting at regular session held on the 3rd day of March, 2014, the Council voting as follows:

AYES: Lovering, Shepard, Fisher, Karper and Barnhart

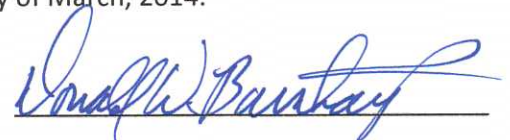
NOES: Petersen

ABSENT: Plevel



City Clerk

Approved by the Mayor of Columbia Falls, Montana this 3rd day of March, 2014.



Mayor

ATTEST:



City Clerk



To; Columbia Falls City Council

From; Local Government Study Commission

The members of the Columbia Falls study commission recommend two items for consideration by the Council.

After soliciting input from the citizens of the City, the commission recommends that the Council study and consider the option of election of the City Judge rather than appointment. The Commission has no opinion as to either option.

The Commission finds that the Manager- Council form of government, as voted on by the citizens of Columbia Falls in 1992, continues to serve the citizens of the community in an effective and efficient manner. No changes are recommended at this time.

This is the final report from this commission.

Study Commision Chairman

Harvey W. Ziebold

Member

Donald W. Bannay

Member

Gayle J. Jorgensen

Member

Dan M. Bohn

Dated 6/2/15

**CITIZEN INPUT FORM
CITY OF COLUMBIA FALLS
LOCAL GOVERNMENT REVIEW STUDY COMMISSION**

(Circle one best answer)

1. In general, how responsive is your Columbia Falls city government to your needs?
 1. Very Responsive
 2. Responsive
 3. Not Very Responsive
 4. Very Unresponsive
 5. No opinion or don't knowComment:

2. In your opinion, how fair is your City government in dealing with all of the residents of the community?
 1. Very fair
 2. Fair
 3. Not Very Fair
 4. Very Unfair
 5. No opinion or don't knowComment:

3. If you had a problem that needed to be handled by the City Manager, do you believe they would listen to your concerns and treat you fairly?
 1. Yes
 2. Probably
 3. Probably not
 4. No
 5. No opinion or don't knowComment:

4. I believe that law enforcement in our community is:
 1. More than adequate
 2. Adequate
 3. Less than adequate
 4. Inadequate
 5. No opinion or don't knowComment:

5. I believe that maintenance of the streets and sidewalks in our community is:
 1. More than adequate
 2. Adequate
 3. Less than adequate
 4. Inadequate
 5. No opinion or don't knowComment:

6. If I had to vote tomorrow, I would vote to:

1. Keep City government the same as it is now
2. Make a few changes in the City government
3. Make major changes in the City government
4. Completely change the form and powers of the City government
5. No opinion or don't know

Comment:

7. How would you rank the following services provided by the City of Columbia Falls?

(Place a check in the appropriate box)

	Excellent	Good	Satisfactory	Unsatisfactory	No Opinion
Water					
Waste Water					
Police					
Fire					
Ambulance					
Garbage					
Library					
(Other)					
(Other)					

8. Do you have any other comments or recommendations that you would like the Local Government Review Study Commission to consider?

9. Do you live in the City limits of the City of Columbia Falls?

1. Yes
2. No