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**STUDY COMMISSION MEETING
AGENDA
TUESDAY, DECEMBER 16, 2025
COUNCIL CHAMBERS CITY HALL**

REGULAR MEETING – 5:00 P.M.

ROLL CALL

APPROVAL OF MINUTES

1. Approval of November 19, 2025 Study Commission Minutes

VISITORS/PUBLIC COMMENT (Items not on agenda)

UNFINISHED BUSINESS:

2. Final Review of Final Report

NEW BUSINESS:

3. Discussion:
Recommendation to City Council From Roger Hopkins
Financial Report
MCA 7-3-142 and 7-3-187
Dan Clark email

MISCELLANEOUS:

4. CORRESPONDENCE

ADJOURN



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

Columbia Falls Study Commission Workshop Minutes November 19, 2025

Call to Order: Meeting called to order at 6:30 PM by Chairman Piper.

Roll Call: Present: Study Commissioners Hopkins, Konopatzke, Nicosia and Piper. Also present: City Manager Hanks

Approval of Minutes: Commissioner Nicosia made a motion to approve the minutes as presented, second by Commissioner Hopkins, motion carried with all members voting in favor.

Visitors/Public Comment:

Darren Fisher: Stated he read the tentative final report, noted the mention of a minority report, and asked if Commissioner Nicosia was intending to submit one.

Discussion:

In response to public comment, Nicosia said she was waiting to hear from the public at this hearing to help form her final position, adding she's exhausted by her efforts to find a reason to put the question to voters. Thus far the city has been able to govern effectively with just general government powers. Unable to find a specific reason to ask voters to approve self-governing powers she believes the proposal will be defeated. Without a compelling and immediate need for this change she will have a minority report recommending that the council seek adoption of self-governing powers by ordinance if such a need is identified in the future.

Konopatzke read a statement in support of self-governing powers to counter Nicosia's minority view. She said while there is not a current situation requiring self-government powers there are advantages to having them. The city will retain all its current authority while having flexibility to be proactive if future needs arise. There is no downside to adopting this change. Doing as Nicosia suggests, recommending that the council propose self-governing powers by ordinance if and when the need should arise, would be more costly and time-consuming, requiring more public engagement and another election. Voters have already approved financing for this election. Adopting self-government powers will enable the city to become more effective in its own problem solving and governing process.

Hopkins said he agrees this is an opportunity to be proactive rather than reactive to concerns the city may face as the result of unforeseen impacts of technology, rapid growth and changing federal government priorities. However, without an immediate acknowledged need for this change, voters may be more likely to vote it down. Should it be defeated, and a need arise in the future, a negative vote now may doom a future council from seeking power from voters. Secondly, as the proposal for this change came midway through the commission's study, without posing the question of self-governing powers in our citizen surveys, we haven't done our due diligence in getting citizen feedback. We've held no meetings with constituent groups such as the chamber board and others, or a work session with the city council. This engagement would have better informed our views as well as the public's. He asked if we should take more time to meet with these groups.

Chairman Piper, while acknowledging as the representative from the council that he is a non-voter and rarely shares his opinion, agreed that without knowing what, exactly, the commission is trying to sell, it will be hard to win in an election.

Additional discussion involved amendments and additions to the final report. Commissioner Hopkins moved adoption of the tentative final report with the proposed amendments. Commissioner Nicosia seconded. The motion passed unanimously.

Adjourn: Meeting duly adjourned at 7:31PM.

Chair



COLUMBIA FALLS MONTANA

COLUMBIA FALLS STUDY COMMISSION TENTATIVE REPORT

To the Citizens of the City of Columbia Falls.

November 19, 2025

The Columbia Falls Local Government Study Commission presents to the voters and citizens of the city this *TENTATIVE REPORT* and recommendation.

By a 2-1 vote the three-member commission recommends voters amend the City of Columbia Falls plan of government and approve adoption of self-governing powers. If approved by the voters, self-government powers would provide the mayor, city council and city administration enhanced flexibility to address future community needs without sacrificing any general government authority by which the city currently protects the public health, safety and welfare of citizens.

This report presents a summary of the commission's meetings leading to the recommendation and a counter proposal, a brief history of the evolution of the city's government, discussion of the constitutional and statutory duties of study commissions, the results of public surveys, and describes the next steps required to bring this recommendation to a vote of Columbia Falls citizens.

RESPECTFULLY SUBMITTED

John Piper, Chair (Ex-Officio Member)

Roger Hopkins, Vice Chair

Connie Konopatzke, Member

Susan Nicosia, Member

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III. INTRODUCTION

Montana's Constitution, adopted in 1972 provided Montana voters the opportunity to review their local governments' structures every ten years. The review occurs when voters in the local government authorize convening a study commission. If voters elect to have their form of government reviewed citizens seek election to the commission.

On June 4, 2024, in this sixth cycle of local government review, Columbia Falls voters narrowly approved review of the city's form of government. Subsequently, only one candidate, Roger Hopkins, filed for election to the three-member study commission, resulting in the cancellation of the November 2024 election of commissioners. It fell to the city council to seek letters of interest to fill the other two seats. Connie Konopatzke and Susan Nicosia submitted letters and on October 21, 2024, the council appointed Hopkins, Konopatzke and Nicosia to the commission. The council also named Councilor John Piper as the official council liaison and ex-officio, non-voting member of the study commission.

All appointed study commission members were administered the Oath of Office as Study Commissioners by the City Clerk and attended the Montana Local Government Center regional training in Whitefish on December 10, 2024.

As defined in state law, the role of the commission is “to study the existing form and powers of local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state.” The commission's review is limited to the form of government and not the internal operations, personnel or administration of the city.

As the commission learned from surveying community members, this distinction was not well understood. Many of the concerns reported by citizens in their survey responses had to do with city council and administration responsiveness, transparency of operations, and sufficiency of services. These are all matters beyond the scope of the study commission's review, but nevertheless of interest and value to Columbia Falls City Manager Eric Hanks who was hired mid-way through the commission's study and has been helpful and attentive to the review process.

Pursuant to state law, upon completion of this study the commission may: recommend amendments to the existing plan of government; recommend a new plan of government; draft a charter; recommend municipal-county consolidation; recommend disincorporation; or submit no recommendation. **On September 10, 2025, commissioners Hopkins and Konopatzke voted to recommend amending the city's existing plan of government, replacing the current authority for general government powers with self-government powers.**

At that meeting Commissioner Nicosia opposed putting the amendment to the voters, instead recommending that the council consider the need for self-government powers, and if and when necessary, put the amendment to voters at that time. At both the October 22, 2025, meeting and following the November 19, 2025, public hearing, Commissioner Nicosia voted with the majority to approve the Draft Tentative Report reserving her right to submit a minority report. Her minority report is part of this report on pages 14-18.

The commission is set to present a final report at its meeting at 5 p.m. January 21, 2025, which will include the date for an election on the proposed amendment to the city's plan of government.

IV. REPORT SUMMARY

A. Findings and Summaries of Study Commission meetings.¹

January 8, 2025. The study commission began its work after the first of the year with the first meeting on January 8, 2025. The commission formally organized, selecting Councilor John Piper, non-voting member, as Chair. The commissioners reviewed the required bylaws and a timeline as well as the scope of the commission's study. The commission also reviewed the current Commission-Manager form of government with general powers.²

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February 12, 2025. The commissioners adopted bylaws and a timeline and scheduled for March 12, 2025, the first public hearing to obtain public input. Whitefish Government Study Commissioner Scott Wurster attended the meeting and provided public comment regarding his interest in observing the Columbia Falls Commission and evaluating ways in which the two cities might collaborate in their reviews. He noted that Whitefish is reviewing their charter form of government, which is not applicable to Columbia Falls current form of government.

The commission reviewed historical Columbia Falls local government review records although the city staff were unable to locate the 1976 minutes or final report. The commission updated the 2014 Community Survey form and requested Interim City Manager Mark Shrives have the survey prepared and returned prior to the March 12, 2025 public hearing.

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March 12, 2025 public hearing. As with the 2014 Study Commission, the 2024 Study Commission was disappointed with the lack of public interest in the review process after the voters approved of the review. No one wished to comment at the public hearing.

Interim City Manager Shrives presented a staff report with the different forms of government available to Columbia Falls. The commission held an in-depth review of the charter form of government and read the Whitefish City Charter. The commissioner's consensus was that the charter form does not provide the city with anything significantly different than the current form of government. Shrives, formerly a city manager in Polson, offered his opinion that the charter government, operating with self-governing powers, offered no specific advantages.

Shrives presented the results of the Study Commission Survey, attached in its entirety as Appendix A. There were 123 respondents. In response to the most relevant question, number

¹ This summary of the study commission's deliberations and findings are further documented in the public meeting minutes included in Appendix C and in the articles collected in Appendix D as reported by the Hungry Horse News.

² Rather than wait for the 1994 government study review cycle, a committee wrote a petition seeking voter approval to change from the Commission (Council)-Mayor to the Commission (Council)-Manager form of government. Voters approved the change in 1992, which included electing city council members at large as opposed to election from districts or wards. The new government and city manager took office in January 1994.

10, half (61) said they would keep the city government the same or make a few changes. Forty-eight respondents (39%) said they would “make major changes (or) completely change the form and powers of the City government,” while 9% (11) had no opinion.

Forty-nine respondents provided comments or recommendations for the study commission. The majority of the comments were not related to the study commission’s scope of review but rather responded to the suitability of services. Also noted was that only 70% of respondents indicated that they live within the city limits.

The commission and Interim City Manager Shrives felt that the survey results provided better information for the city manager and city staff than the study commission. The commission asked Interim Manager Shrives to send out a new survey to Columbia Falls citizens seeking more specific input to the commission. This survey was mailed to every utility billing customer emphasizing that the study commission was seeking the community’s views on the city’s current *form* of government.

Also, at its March 12 meeting the commission reviewed current interlocal agreements for services between the city and other local governments. These include Building Code Inspections with the City of Whitefish, Animal Control and Drug Task Force with Flathead County, and a Youth Recreation Program with School District No. 6. Additionally, the city council appoints city representatives to the Flathead City-County Health Board and Flathead County Solid Waste Board.

Prior to its dissolution the city participated in the county-wide Flathead Regional Development Office that provided planning and zoning services to the county and all three cities. In the early 2000’s, Flathead County opted to separate county and city zoning, and the three cities formed the Tri-City Planning Office. Planning demands in Kalispell and Whitefish drove those cities to disband Tri-City Planning and form their own individual planning offices in 2005. Since then, the City of Columbia Falls has used contract planners to supplement city staff for planning and added the title of Planning/Zoning Administrator to the city manager.

In addition to these formal relationships, city administration, staff, and elected officials maintain open and frequent conversations with Flathead County and “sister” city officials. Commissioner Hopkins said he would attend the next Whitefish Study Commission meeting and report back to the Columbia Falls Study Commission.

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April 16, 2025. The Study Commission reviewed the updated survey results included in its entirety as Appendix B. This survey generated 110 responses along with a few comments about wasting our time with a second survey. Of the 110 respondents: 50% indicated that they had voted for voter review; 75% reported satisfaction with the current Commission/Council-Manager form of government; 52% felt that the current form ensures efficient and smooth operations (25% were unsure); 50% felt the mayor’s role was effective (but again 27% were unsure); 62% responded that they were aware of the current review effort. The Study Commission took note of the community response indicating general satisfaction with the current form of government.

Commissioner Hopkins reported on his attendance at the Whitefish Study Commission meeting on April 2, 2025. Their commission is exploring amendments to their charter. He

mentioned his interest in reviewing the benefits of a charter or self-government powers without a charter.³ Commissioner Hopkins proposed amending the study commission timeline to form a “working subcommittee” on service consolidation and interlocal agreements, specifically with Whitefish. The consensus of the Study Commission was that the issue of service consolidation and interlocal agreements could be reviewed by the city managers of both municipalities.

Commissioner Hopkins recommended holding a workshop in May with Dan Clark, Director of the Local Government Center at Montana State University, to discuss charters and self-governing powers. Clark and his staff at MSU are Montana's recognized experts in local government and are helping cities and counties who have elected to review their forms of government this year. Mr. Clark had scheduled a meeting for May 14th with the Whitefish Review Commission to go over the city's charter. The commissioners changed their regular May meeting to a workshop on May 15th to meet with Clark.

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May 15, 2025. The workshop was informative as Mr. Clark indicated he no longer recommends adopting charters. He said while there are some exceptions, charters do not significantly enhance governance and can, in fact, hamstring local governments as communities grow and change. The commission thoroughly vetted the topic of self-governing powers with Mr. Clark. While he is no longer a strong advocate of charter governments, he said there are potential advantages for cities to have self-governing powers outside of a charter: "There's no downside to having self-governing powers," he said, because the city would still have all the general government powers by which it currently functions.

Commissioner Hopkins said while neither he nor any of the commissioners propose a charter form of government, adopting self-governing powers could give the council and administration a tool it doesn't currently have to address future problems. Commissioner Konopatzke offered a report she prepared on cities and towns with self-governing powers. Her review revealed that of Montana's 129 cities and towns, 83 have general government powers, 33 have charters with self-government authority, and nine have self-governing authority without a charter. She asked what is it that those cities and towns with self-governing authority are able to do that Columbia Falls cannot? There was no response to her question.

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June 18, 2025. Discussion focused on presenting a recommendation to the city council for the council to put to a vote of the citizens of Columbia Falls the adoption of self-governing powers. While the commission did not identify a current or anticipated need for self-governing authority it was agreed that the power of self-government could offer future flexibility to address currently unforeseen challenges and opportunities for the city council.

The study commission's consensus was to provide the recommendation to the city council with a “future election” reference that allows the council to call for the election as provided in MCA 7-3-149. Nicosia volunteered to draft the tentative Final Report for the next meeting in July. The commission also amended the timeline to provide for a public hearing on the tentative report in September and projected adoption of a final report in November 2025.

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³ Hopkins' report to the commission, p. ____

July 16, 2025. Commissioner Nicosia submitted her draft Tentative Final Report shortly before the start of the 5 p.m. meeting. The commissioners thanked her for her initiative and effort to write the report. Upon review the commissioners offered no proposals for substantial changes to the Introduction or Report Summary as presented. Much of Commissioner Nicosia's work on those sections has been incorporated into this report.

The commission's discussion focused primarily upon the report's recommendation, in which Commissioner Nicosia wrote, "The Study Commission found no significant community interest in amending the existing form of government. However, the Study Commission assessment did indicate that the City may benefit from the implementation of self-governing powers. By unanimous vote the commission adopted Commissioner Nicosia's recommendation: **"The 2024 Columbia Falls Study Commission formal recommendation is to pursue, by a future election, self-governing powers without identifying a specific current need for them. The Study Commission acknowledges that the City Council has the authority in 7-3-149, MCA to call for an election."**

While the commissioners agreed that the language of the commission's recommendation was accurate, the report should explain the rationale behind the recommendation for the city to adopt self-government powers. Commissioner Konopatzke proposed adding that the pursuit of self-governing powers would "allow for future flexibility and address currently unforeseen challenges and opportunities for the City Council."

The commissioners questioned the appropriateness of Commissioner Nicosia's personal recommendation for the "City Council (to) direct the reservation of funds from the Study Commission Special Revenue Fund when the fund is closed into the General Fund in compliance with state statute." The commissioners agreed there was no harm in leaving that recommendation in the report.

Also discussed was Commissioner Nicosia's explanation that while she was not formally dissenting, she questioned asking for self-governing powers without providing the public with a clear need for the powers. In her recommendation she noted Dan Clark's observation "that the City of Havre held elections for self-governing powers four times before it passed on the fifth try as the Council had identified a specific need (the ability to amend State Building Codes) for the self-governing powers." The commission decided the reference to the Havre effort to acquire self-governing authority was not needed but agreed to retain Commissioner Nicosia's concern regarding lack of a currently expressed need for the city to adopt self-governing powers.

A day after that meeting Commissioner Hopkins took a deeper dive into the report and the Commission's statutory requirements. He grew concerned that if the study commission stays with the recommendation as written, "at best the commission would shirk its responsibility, or at worst do not follow the law, by putting the decision to the council to set a date for an election on the recommendation." Hopkins believed if the commission recommends a change in the plan of government, in this case adopting self-government powers, it is the commission's responsibility to set the date for an election on that recommendation.

Hopkins suggested seeking review of the recommendation and the commission's responsibilities by Dan Clark and/or the Columbia Falls City Attorney. City Manager Eric

Hanks, having been alerted to the discussions between Commissioners Hopkins and Nicosia, sought guidance from Dan Clark and Columbia Falls City Attorney Justin Breck.

City Manager Hanks wrote a staff report to the commissioners that was included with the agenda packet for the **September 10, 2025** commission meeting. In that report he summarized the options facing the commission, either of which would be legally permissible. He said the first option, as stated in the draft report, recommends that the city council consider adopting self-government powers and call for an election at a future date, ostensibly at such time that the council sees a need for this authority. The second option: if the commission recommends a change in the plan of government to adopt self-governing powers without recommending the council do so at some future date, then the commission sets an election date for voters to decide the fate of the recommendation. The council's only authority is to officially call for the election by Resolution, the means for putting the question on the ballot.

City Manager Hanks encouraged the commission "to deliberate on the two statutory options, weigh their respective efficacy, and clearly document its final recommendation in the Final Report. A clear and unambiguous recommendation will ensure consistency with statutory requirements and minimize confusion for the City Council and the public," he wrote.

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September 10, 2025. The commissioners met with City Manager Hanks and City Attorney Breck to discuss the options and to vote on the alternatives. Commissioner Hopkins' said when Commission Nicosia's draft report was reviewed by the commission, he didn't fully understand the nuance of her recommendation. He said his goal is to give the citizens a decisive opportunity to chose self-government authority now, before an issue requiring flexibility in city ordinance should arise.

Granting that there is no immediate perceived need for this power, Hopkins said with all the rapid changes that are occurring: development and deployment of Artificial Intelligence, usurping of local government control by the state Legislature, pending growth and development in the city, upending of federal government services with changing budget priorities, layoffs and firings of federal employees, it could serve the citizens of Columbia Falls if the city council and city administration had greater flexibility to respond sooner than later to community needs caused by these changes.

Commissioner Hopkins said the only downside he could see to a recommendation to change the city's plan of government is the cost of the election. City attorney Breck noted that in the alternative, if the commission chooses to recommend that the city council decide when or if to seek self-governing authority, it would have to do so by petition. If the petition passes, the proposal would still require a vote of the citizens.

Commissioner Konopatzke said she believes it is the commission's responsibility to make the decision whether to recommend adopting self-government powers. It shouldn't be left to the city council. Having that tool available when needed is better than waiting for the need to arise and hoping the citizens adopt the change. She said citizens voted for the review and the study commission should see it through as the funding has been levied and appropriated.

Commissioner Hopkins made a motion for the Columbia Falls Government Review Commission to recommend a change in the City of Columbia Falls plan of government to

adopt self-government powers, seconded by Commissioner Konopatzke. Commissioners Konopatzke and Hopkins voted yay. Commissioner Nicosia voted no. Commissioner Hopkins volunteered to draft a new Tentative Report.

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October 22, 2025. The commission reviewed Commissioner Hopkins' draft Tentative Report and discussed several edits and clarifications. The two most significant changes included making it clear that if voters approve adoption of self-government powers, the city retains all the current powers granted by local governments by the Legislature. Secondly, Commissioner Nicosia said she is still thinking about her vote in opposition to the recommendation: "I am still searching for a reason to recommend this change without an immediate need for it."

Commissioner Nicosia voted with Commissioners Konopatzke and Hopkins to approve the amended draft Tentative Report, reserving the right to include a minority report following the public hearing and prior to publishing a final report.

The Commissioners also reviewed the timetable for publishing notice of the upcoming public hearing on November 19, 2025. Commissioner Hopkins thanked Commissioner Konopatzke for her proposed changes, and Commissioner Nicosia for her original draft report, which he said helped significantly in writing the new draft Tentative Report.

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November 19, 2025 public hearing and meeting. The public hearing scheduled for the evening drew two citizens: Darren Fisher, chair of the Columbia Falls Planning Commission and City Councilor Paula Robinson. Fisher said he read the tentative final report and saw that space was reserved for a minority report. He asked if Commissioner Nicosia was still intending to have one. She said she was waiting to hear from the public at this hearing to help form her final position, adding she's exhausted her efforts to find a reason to put the question to voters. Thus far the city has been able to govern effectively with just general government powers. Unable to find a specific reason to ask voters to approve self-governing powers she believes the proposal will be defeated. Without a compelling and immediate need for this change she will have a minority report recommending that the council seek adoption of self-governing powers by ordinance if such a need is identified in the future.

Commissioner Konopatzke read a statement in opposition to that minority view. She said while there is not a current situation requiring self-government powers there are advantages to having them. The city will retain all its current authority while having flexibility to be proactive if future needs arise. There is no downside to adopting this change. Doing as Commissioner Nicosia suggests, recommending that the council propose self-governing powers by ordinance if and when the need should arise, would be more costly and time-consuming, requiring more public engagement and another election. Voters have already approved financing for this election. Adopting self-government powers will enable the city to become more effective in its own problem solving and governing process.

Commissioner Hopkins said he agrees this is an opportunity to be proactive rather than reactive to concerns the city may face as the result of unforeseen impacts of technology, rapid growth and changing federal government priorities. However, without an immediate acknowledged need for this change, voters may be more likely to vote it down. Should it be defeated, and a need arise in the future, a negative vote now may doom a future council from seeking the power from voters. Secondly, as the proposal for this change came midway

through the commission's study, without posing the question of self-governing powers in our citizen surveys, we haven't done our due diligence in getting citizen feedback. We've held no meetings with constituent groups such as the chamber board and others, or a work session with the city council. This engagement would have better informed our views as well as the public's. He asked if we should take more time to meet with these groups.

Chairman Piper, while acknowledging as the representative from the council that he is a non-voting member and rarely shares his opinion, agreed that without knowing what, exactly, the commission is trying to sell, it will be hard to win in an election.

Additional discussion involved amendments and additions to the final report. Commissioner Hopkins moved adoption of the tentative final report with the proposed amendments. Commissioner Nicosia seconded. The motion passed unanimously.

B. Self Government versus General Government Powers (AI-generated Google search, Dec. 4, 2025).

General government powers are limited to only those powers that are **expressly granted or clearly implied by state law**. In jurisdictions operating under general powers, the local government cannot act unless the state legislature has authorized it to do so. This is often associated with "Dillon's Rule" in the U.S., which holds that local governments are "creatures of the state." Most local governments operate this way.

Self-governing powers (often referred to as "home rule") provide local governments with significantly more latitude. A self-governing body may exercise **any power not prohibited by the state constitution, state law specifically applicable to self-government units, or its local charter**. The authority comes from the will of the local people, typically through a voter-approved charter.⁴

Summary of Differences.

Feature	General Government Powers	Self-Governing Powers (Home Rule)
Source of Power	Powers are derived <i>from</i> the state legislature.	Powers are derived <i>from</i> the local citizenry and their charter.
Scope of Authority	Limited to powers explicitly granted by state law.	Can exercise any power that is not explicitly prohibited by the state.
Flexibility	Less flexible; requires specific state authorization for new actions.	More adaptable; can address unique local issues (by City Council Ordinance) without waiting for state approval.
Regulation	Actions are subject to detailed state-imposed limitations.	Subject to fewer limitations, primarily general state laws and charter limitations.
Enabling Mechanism	The default form of government in many places.	Requires a specific local voter approval process to adopt a charter.

(End of AI-generated Google report)

⁴ Montana state law allows local governments to adopt self-governing powers *without* adopting a charter.

In 2015 MSU's Local Government Center prepared a report on the differences between self-government and general government authority. As cited in that report, the power of municipalities with general government authority is limited to the activities allowed by Montana law, specifically MCA 7-1-4123 and 4124. These statutes enable any municipal government to protect the public health, safety and welfare within their community. The statutes also provide that a general-powers municipality may perform any function, provide any service and exercise any power authorized by state law.

In short, local governments with general government authority may only exercise powers specifically granted by the state. If the state Legislature has not delegated power to a municipality to provide a service or perform a governmental function, a municipal government with general powers is not authorized to do so. In contrast, **Article XI, section 6, of the 1972 Constitution** says that in addition to the powers granted by the state Legislature, local governments with self-government authority "may exercise any power not specifically prohibited by the Constitution, state law, or (a) local government charter."

As noted by the Local Government Center, "At first reading by a municipal official, this sweeping constitutional grant of any power ... would appear to reverse ... (a) municipality's dependence upon a specific legislative grant of governing authority." However, the center reported that over time the Legislature has forbidden local governments from exercising certain powers. MCA 7-1-111 lists 30 such prohibitions as of 2023. It's likely when the 2025 Montana Code Annotated is published municipalities will find even more legislative prohibitions.

The MSU center report says despite these prohibitions, "possession of self-government powers may well enable a municipality to act in the best interests of its citizens under circumstances where a general powers government would not be able to act." The report lists several examples of local governments that have enacted specific solutions. Among the examples cited: Great Falls gained greater authority to dispose of public lands; Anaconda-Deer Lodge altered its organizational; Libby and Troy were enabled to develop and operate an electric utility; Butte-Silver Bow enabled to acquire and operate electric and natural gas utilities within and outside the boundaries of its jurisdiction. Havre is the most recent municipality to adopt self-governing powers with a charter.

According to the Local Government Center, "The availability of self-government powers to a municipal government will not, in and of itself, solve community problems or improve local government performance. At best, self-government powers will enable a community and its local government to become more effective participants in their own problem solving and governing processes."⁵

⁵ See Appendix F.

V. CERTIFICATION OF THE EXISTING AND PROPOSED PLANS OF GOVERNMENT AND STUDY COMMISSION RECOMMENDATION

A. Existing Form – Commission-Manager with General Powers

This government, as approved by the citizens of Columbia Falls, is governed by Title 7, Chapter 3 of the Montana Code Annotated and the following Sections:

- **7-3-301** Commission-manager form;
- **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:
 - (1) general government powers.**
- **7-3-303** Appointment of manager;
- **7-3-304** Duties of manager;
- **7-3-305** Employees of commission-manager government;
- (7-3-306 through 7-3-310 reserved);
- **7-3-311** Structural suboptions. The plan of government shall define the structural characteristics of the form by **7-3-312** through **7-3-318**.
- **7-3-312** Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, must be appointed by:
 - (3) the commission.**
- **7-3-313** Selection of commission members. The commission shall be:
 - (1) elected at large.**
- **7-3-314** Type of election. Local government elections shall be conducted on a:
 - (2) nonpartisan basis.**
- **7-3-315** Presiding officer of commission. The presiding officer must be:
 - (2) elected by the qualified electors for a term of office** (1992 voter-selected suboption).
- **7-3-316** Terms of commission members. Commission members shall be elected for:
 - (2) 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 commissions may be authorized by ordinance (1992 voter-approved provisions).
- **7-3-318** Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

B. Proposed form - Commission-Manager with Self-Government Powers

The proposed plan of government is identical to the current plan of government approved by petition of the voters in 1992 with the following exception:

- **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:
 - (2) self-government powers.**

C. Recommendation - Proposed Amendment to the Existing Plan of Government

The successful vote in November 1992 on the petition to change from the Commission/Council-Mayor to the Commission/Council-Manager form of government included several amendments to the current operations. As certified in Section A above, the petition proposed eliminating elections by ward. The proposed plan also called for the Mayor to be elected by the voters as well as having the Mayor vote on every action and not just to break a tie vote. Additionally, Columbia Falls chose to continue appointing the city judge instead of having the judge elected. The city affirmed that method with an Attorney General's Opinion (AGO Vol. No. 45 Opinion No. 15) on October 22, 1993.

When proposing the change in government the petitioners opted not to select self-government powers, choosing to maintain general government authority. Without knowing the reason for this decision it is safe to assume that convincing voters to approve a dramatic change in how the government operated was enough to ask the citizens of Columbia Falls to approve.

The 2014 Study Commission also reviewed the question of a charter form of government with self-governing powers along with studying the current form of government. Their final report recommended no change to the current form of government.

The 2024 Study Commission thoroughly reviewed the current form of government and the alternative forms of government in compliance with the statutory duties of the commission specified in 7-3-102, MCA. As noted in the introduction, it is the responsibility of the study commission to submit a report proposing one of the following options: recommend amendments to the existing plan of government; recommend a new plan of government; draft a charter; recommend municipal-county consolidation; recommend disincorporation; or submit no recommendation.

While the study commission found no significant community interest in amending the existing form of government, the commission's study and review did indicate that the City may benefit from the implementation of a change in the plan of government by adopting self-governing powers.

Therefore, the 2024 Columbia Falls Study Commission formal recommendation, by a 2-1 vote, is for voters to amend the City of Columbia Falls plan of government and approve adoption of self-governing powers.

D. Minority Report.

City of Columbia Falls Local Government Study Commission Minority Report

While I am in general agreement with pursuing self-governing powers, I also agreed with the plan to recommend to the City Council to pursue the powers when there became an apparent need.

The Study Commission thoroughly reviewed the topic of self-governing powers. We learned that the City of Havre held four elections before their voters finally approved the adoption of self-governing powers once they had identified the community's desire to adopt more stringent building codes to address dilapidated buildings. This power has now been provided to municipalities with general government powers in 7-1-4124 (19), MCA.

The topic of self-governing powers came from the commission members and not through the community surveys or through the public study commission meetings. Only recently a community member wrote a letter to the editor of the Hungry Horse News in support of self-governing powers. During the workshop held with Dan Clark, Local Government Center Director, only three individuals attended, one from within the city limits. The city resident expressed concern with the council having the power to adopt laws under self-governing powers. The 2014 Study Commission also reviewed the potential of self-governing powers and ultimately recommended no change to the current form and plan of government.

If the City of Columbia Falls could adopt development standards deemed appropriate by the community and the council with self-governing powers, asking the community to vote for self-governing powers would be a "no brainer," but the legislature has taken away most local control over planning and zoning.

As a general powers government, the City of Columbia Falls City Council has liberally construed powers of a municipal corporation and legislative, administrative and other powers provided or implied by law Article XI, Section 4, Montana Constitution and 7-1-4124, MCA.¹ The general governments powers have been expanded by the legislature.

Self-governing powers are provided in Article XI, Section 6 Montana Constitution. A local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter (7-1-101, MCA). Key to self-governing powers are the powers denied by 7-1-111, MCA.² With each legislative session, the list of powers denied grows exponentially.

Accordingly, I am opposed to recommending a change in the plan of government by recommending the adoption of self-governing powers at this time.

Sincerely,

Susan M. Nicosia, Study Commission

17-1-4124. Powers. A municipality with general powers has the power, subject to the provisions of state law, to:

- (1) enact ordinances and resolutions;
- (2) except as provided in **7-5-103(2)(d)(iv)** and **7-5-121(2)(c)(iv)**, sue and be sued;
- (3) buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;
- (4) contract with persons, corporations, or any other governmental entity;
- (5) pay debts and expenses;
- (6) borrow money;
- (7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;
- (8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;
- (9) make grants and loans of money, property, and services for public purposes;
- (10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;
- (11) hire, direct, and discharge employees and appoint and remove members of boards;
- (12) ratify any action of the municipality or its officers or employees that could have been approved in advance;
- (13) have a corporate seal and flag;
- (14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public use authorized by law;
- (15) initiate a civil action to restrain or enjoin violation of an ordinance;
- (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety;
- (17) conduct a census;
- (18) conduct inventories of public property and preparatory studies;
- (19) condemn and demolish hazardous structures;
- (20) purchase insurance and establish self-insurance plans;
- (21) impound animals and other private property creating a nuisance or obstructing a street or highway;
- (22) establish quarantines;
- (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in **7-1-4150**; and
- (24) exercise powers not inconsistent with law necessary for effective administration of authorized services and functions.

7-1-4123. Legislative powers. A municipality with general powers has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

- (1) preserve peace and order and secure freedom from dangerous or noxious activities;
- (2) secure and promote the general public health and welfare;
- (3) provide any service or perform any function authorized or required by state law;
- (4) exercise any power granted by state law;
- (5) subject to **15-10-420**, levy any tax authorized by state law for public or governmental purposes as described in **7-6-2527**;
- (6) appropriate public funds;
- (7) impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
- (8) grant franchises; and
- (9) provide for its own organization and the management of its affairs.

7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of **7-33-4128** or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;
- (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in **7-3-1105**, **7-3-1222**, **7-21-3214**, or **7-31-4110**, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;

(13) (a) any power that applies to or affects landlords, as defined in **70-24-103** and **70-33-103**, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24, 25, and 33; or

(b) any power to deviate from or add to the exclusive application of the provisions of:

(i) the Montana Residential Landlord and Tenant Act of 1977, Title 70, chapter 24;

(ii) residential tenants' security deposit law in Title 70, chapter 25; or

(iii) the Montana Residential Mobile Home Lot Rental Act, Title 70, chapter 33.

(14) subject to **7-32-4304**, any power to enact ordinances prohibiting or penalizing vagrancy;

(15) subject to **80-10-110**, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to **80-5-136(10)**, any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in **80-5-120**. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to **76-2-240** and **76-2-340**, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in **61-10-101** through **61-10-104** on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;

(21) any power as prohibited in **7-1-121(2)** affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in **7-1-121(4)**;

(22) any power that provides for fees, taxation, or penalties based on carbon or carbon use in accordance with **7-1-116**;

(23) any power to require an employer, other than the local government unit itself, to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law;

(24) any power to enact an ordinance prohibited in **7-5-103** or a resolution prohibited in **7-5-121** and any power to bring a retributive action against a private business owner as prohibited in **7-5-103(2)(d)(iv)** and **7-5-121(2)(c)(iv)**;

(25) any power to prohibit the sale of alternative nicotine products or vapor products as provided in **16-11-313(1)**;

(26) any power to control the amount of rent charged for private residential or commercial property. Private residential property does not include property in which the local government unit has a property interest or in which the local government unit has an interest through a housing authority.

(27) any power to require additional licensing when the state is the original issuer of the license;

(28) any power to prohibit or impede the connection or reconnection of an electric, natural gas, propane, or other energy or utility service provided by a public utility, municipal utility, cooperative utility, or other energy or fuel provider;

(29) any power to prohibit the purchase or use of any fuel derived from petroleum, including but not limited to methane, propane, gasoline, and diesel fuel, or the installation or use of any vehicles, vessels, tools, or commercial and residential appliances that burn or transport petroleum fuels; or

(30) any power to require that buildings be constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles.

APPENDICES A-F

Not included in the final Report
for this agenda

For discussion: Recommendation to city council for community councils.

Nearly half of the 123 respondents to our first survey said the city is unresponsive to their needs. Only 35, or less than 30 percent, said the city is either very responsive or responsive to their needs. In a follow-up survey much of the commentary suggested a desire to know and understand more about how the city functions, how decisions are made, and how to engage with the city administration and city council to steer future growth and development.

Having attended a number of city council meetings the past year I have heard comments, both at these meetings and privately from individual councilors, expressing disappointment that there is not greater attendance at meetings and more engagement of citizens in their government. City Manager Hanks recognizes this concern and has made it among his priorities to seek ways to improve the city's communication infrastructure and citizen access to information. Even so, there exists an inherent obstacle for citizens to engage with their representatives: set meeting times and formal and somewhat intimidating procedures for communication to and with city councilors.

The current form of government allows the council to establish, by ordinance, "community councils to advise commissioners [MCA 7-3-317 (2)]. Creating these advisory groups could provide a way to engage citizens in the business of their local government in a manner that offers flexibility for citizens. Community councils can meet at times convenient to the members and bring forward concerns and suggestions without the constraint of appearing before the council during rigidly scheduled and time-limited public comment periods shortly after 7 p.m. on the first and third Mondays of the month.

Adoption of community councils does not require a vote of the citizens of Columbia Falls. Several municipalities and counties in Montana have adopted community councils and could serve as examples for establishing a structure that suits Columbia Falls. Even the Flathead County Commissioners have established a community council: Lakeside Community Council.

Examples of municipal community councils include Great Falls' "neighborhood councils," established by ordinance. A Neighborhood Council Handbook is available at <https://greatfallsmt.net/neighborhoodcouncils/neighborhood-council-handbook>. In Helena, the establishment of "citizens councils" came through the city's charter, language for which can be found at <https://www.helenamt.gov/Government/Helena-Citizens-Council>.

I encourage the commission to adopt this recommendation and forward it to the city council in our final report.

12/12/25
12:28:54

CITY OF COLUMBIA FALLS
Trial Balance with Revenues and Expenditures
For the Accounting Period: 6 / 25

Page: 1 of 2
Report ID: LB200

2350 Local Government Review

	Opening Balance	Change	Closing Balance
Assets			
2350.101000 CASH/CASH EQUIVALENTS	(3,908.04)	16,109.04	12,201.00
2350.102000 CASH - RESERVE	30,000.00		30,000.00
2350.113024 Taxes Receivable - Reals 2024	20,752.48 (	19,636.33)	1,116.15
2350.115025 Taxes Receivable - Personal 2025	(0.62)	663.47	662.85
2350.131100 Due from Flathead Co. Treasurer		2,461.24	2,461.24
2350.172000 Revenues (Credit)	(29,043.11) (	19,774.69) (	48,817.80)
Total Assets			
	17,800.71 (	20,177.27) (	2,376.56)
Liabilities and Fund Equity			
2350.223100 Deferred Revenue - Real Property Taxes	20,752.48 (	19,636.33)	1,116.15
2350.223200 Deferred Revenue - Personal Property Taxes	(0.62)	663.47	662.85
2350.242000 Expenditures (Debit)	(2,951.15) (	1,204.41) (	4,155.56)
Total Liabilities and Fund Equity			
	17,800.71 (	20,177.27) (	2,376.56)
Revenue			
2350.311010 Real Property Taxes	28,492.18	19,580.89	48,073.07
2350.311020 Personal Property Taxes	0.62	29.70	30.32
2350.312000 Penalty & Interest on Delinquent Taxes	26.40	32.82	59.22
2350.371010 Investment Earnings	523.91	131.28	655.19
Total Revenue			
	29,043.11	19,774.69	48,817.80

12/12/25
12:28:54

CITY OF COLUMBIA FALLS
Trial Balance with Revenues and Expenditures
For the Accounting Period: 6 / 25

Page: 2 of 2
Report ID: LB200

2350 Local Government Review

	Opening Balance	Change	Closing Balance
Expenditures			
2350.410130.380 Training & Certification	1,100.00	1,204.41	2,304.41
2350.410130.390 Other Purchased Services	1,851.15		1,851.15
Total Committees and Special Bodies	2,951.15	1,204.41	4,155.56
Total Expenditures	2,951.15	1,204.41	4,155.56

12/12/25
12:29:44

CITY OF COLUMBIA FALLS
Trial Balance with Revenues and Expenditures
For the Accounting Period: 12 / 25

Page: 1 of 2
Report ID: LB200

2350 Local Government Review

		Opening Balance	Change	Closing Balance
Assets				
2350.101000	CASH/CASH EQUIVALENTS	16,150.49		16,150.49
2350.102000	CASH - RESERVE	30,000.00		30,000.00
2350.113024	Taxes Receivable - Reals 2024	302.42		302.42
2350.115025	Taxes Receivable - Personal 2025	27.38		27.38
2350.172000	Revenues (Credit)	(1,488.25)	(	1,488.25)
Total Assets		44,992.04		44,992.04
Liabilities and Fund Equity				
2350.202000	Accounts Payable		273.96	273.96
2350.223100	Deferred Revenue - Real Property Taxes	302.42		302.42
2350.223200	Deferred Revenue - Personal Property Taxes	27.38		27.38
2350.242000	Expenditures (Debit)	(	273.96)	(273.96)
2350.271000	Unreserved Fund Balance	44,662.24		44,662.24
Total Liabilities and Fund Equity		44,992.04		44,992.04
Revenue				
2350.311010	Real Property Taxes	813.73		813.73
2350.311020	Personal Property Taxes	635.47		635.47
2350.312000	Penalty & Interest on Delinquent Taxes	39.05		39.05
Total Revenue		1,488.25		1,488.25

12/12/25
12:29:44

CITY OF COLUMBIA FALLS
Trial Balance with Revenues and Expenditures
For the Accounting Period: 12 / 25

Page: 2 of 2
Report ID: LB200

2350 Local Government Review

	Opening Balance	Change	Closing Balance
Expenditures			
2350.410130.390		273.96	273.96
Other Purchased Services		273.96	273.96
Total Committees and Special Bodies		273.96	273.96
Total Expenditures		273.96	273.96

12/12/25
12:30:24

CITY OF COLUMBIA FALLS
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 12 / 25

Page: 1 of 1
Report ID: B100

2350 Local Government Review

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
410000 GENERAL GOVERNMENT							
410130	Committees and Special Bodies	0.00	0.00	1,000.00	1,000.00	1,000.00	1 %
220	Operating Supplies	273.96	273.96	33,662.00	33,662.00	33,388.04	1 %
390	Other Purchased Services	273.96	273.96	34,662.00	34,662.00	34,388.04	1 %
Account Total:		273.96	273.96	34,662.00	34,662.00	34,388.04	1 %
Account Group Total:		273.96	273.96	34,662.00	34,662.00	34,388.04	1 %
Fund Total:		273.96	273.96	34,662.00	34,662.00	34,388.04	1 %
Grand Total:		273.96	0.00 273.96	34,662.00	34,662.00	34,388.04	1 %

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 1. General Provisions

Requirements For Petition

7-3-142. Requirements for petition. A petition proposing an alteration of a local government must contain:

- (1) a certificate containing the plan of government of the existing form of local government;
- (2) a certificate containing the plan of government of the proposed new form of government or amendments to the existing plan;
- (3) a certificate containing the plan of apportionment of commissioner districts if districts are contained in the plan of government; and
- (4) a comparison of the existing form of government and plan of government and proposed form of government and plan of government, including, if desired, a statement of the strengths and weaknesses of the existing and proposed forms and plans of government, information that supports the adoption of the proposed form and plan, and information that supports retention of the present form and plan.

History: En. Sec. 7, Ch. 675, L. 1979; amd. Sec. 3, Ch. 521, L. 2007.

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 1. General Provisions

Final Report

7-3-187. Final report. (1) A study commission shall adopt a final report. If the study commission recommends an alteration of a local government, the final report must contain the following materials and documents, each signed by a majority of the study commission members:

(a) those materials and documents required of a petition proposing an alteration of a local government in **7-3-142**;

(b) a certificate establishing the date of the election pursuant to **7-3-192** at which the alternative form of government or change in a plan of government is presented to the electors and a certificate establishing the form of the ballot question or questions; and

(c) a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

(2) The final report must contain any minority report signed by members of the commission who do not support the majority proposal.

(3) If the study commission is not recommending any changes, its final report must indicate that changes are not recommended.

(4) The study commission shall file two copies of the final report with the department of administration, one of which the department shall forward to the state library. A copy of the final report must be certified by the study commission to the municipal or county records administrator within 30 days after the adoption of the final report.

(5) Sufficient copies of the final report must be prepared for public distribution. The final report must be available to the electors not later than 30 days prior to the election on the issue of adopting the alternative form or plan of government. Copies of the final report may be distributed to electors or residents of the local government or governments affected.

(6) After submission of the final report, the commission shall deposit copies of its minutes and other records with the county clerk and recorder.

History: En. Sec. 19, Ch. 697, L. 1983; amd. Sec. 5, Ch. 435, L. 1985; amd. Sec. 11, Ch. 387, L. 1995; amd. Sec. 28, Ch. 483, L. 2001; amd. Sec. 17, Ch. 521, L. 2007; amd. Sec. 47, Ch. 49, L. 2015.

Subject: Re: Columbia Falls Study Commission
From: Roger <rogerhop@att.net>
Date: 12/04/25, 3:03 PM
To: "Clark, Daniel" <daniel.clark@montana.edu>

Thank you Dan! I appreciate your assistance and will share this with the commission. Am I to assume your time and attention is gratis?

I hope you and your team are well and wish you a very happy Holiday Season!

Roger

On 12/04/25 2:18 PM, Clark, Daniel wrote:

Roger,

Sorry for the delay in responding. I have put my responses in the body of the email below.

Dan



Dan Clark

Director, Local Government Center
Montana State University Extension
235 Culbertson Hall
(406) 994-6694

montana.edu/extension

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Celebrating
40 YEARS
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ASSISTANCE, RESEARCH
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Montana's Local Governments
1985-2025

From: Roger <rogerhop@att.net>
Sent: Thursday, November 20, 2025 12:59 PM
To: Clark, Daniel <daniel.clark@montana.edu>
Cc: Kent, Ashley <ashleykent@montana.edu>
Subject: Columbia Falls Study Commission

****External Sender****

Hi Dan.

Our commission appears to be split 2-1 in favor of proposing a change to self-governing powers for voter approval. Last night we approved a final report recommending that change while leaving a space for a pending minority report from Commissioner Nicosia.

That said, I have several questions I'd like for you to address but also need to know, first, what your time to answer these questions might cost so that I can vet these questions with the commission and gain the commission's approval for any expenses.

1. How many study commissions are proposing changes and if they are, how are they "marketing" those proposals to voters, and can you provide a list of commissions proposing changes?

We only are aware of one jurisdiction that has placed changes on the ballot and that is Darby. Several study commissions have submitted their final report without proposing any changes. There are many others jurisdictions that are still studying and working on potential proposals. By statute, the study commission cannot advocate for a ballot measure, but they can educate. I will refer you to §2-2-122 MCA from the MT Code of Ethics for clarification. Many commissioners will use the comparison chart as a tool for explaining and educating the public about the advantages and disadvantages of each proposed change.

2. Are any commissions offering a single proposal such as ours: a change to the plan of government to adopt self-governing powers.
 - Is there any prohibition for a study commission to market and/or advertise their proposal beyond the legally required legal notices?

Again, I will refer you to the MT Code of Ethics for the legal framework for what the study commission can do. However, it is common for the commissions budget resources be invested in the education of the public on the ballot.

- Does the study commission have an opportunity to craft the ballot language and/or prepare an explanation of the question that can be sent to voters?

Yes, the study commission creates the ballot language as outlined in §57-3-150 and 7-3-151 MCA.

The final report should contain certificates as outlined in §7-3-187(1)(b) MCA "a certificate establishing the form of the ballot question or questions". See attached file "Certificate E".

- Is there any prohibition for one commissioner, while still holding office, to schedule presentations to community groups and submit letters to the editor to support the majority recommendation?

No prohibition found in the law other than following the statutes related to "advocacy" or "marketing" the "support for or opposition to any . . . passage of a ballot". Inform and educate but never say "vote in favor of . . .". It would be preferable for the commission to develop an information campaign that outlines what and how the study commission will engage the public regarding the results of the study, proposed changes appearing on the ballot and the advantages and disadvantages of the proposal compared to the existing structure.

- Assuming we approve a final report that recommends a change in the plan of government, does our commission dissolve upon the submission of the final report, which would include setting a date for the election at the June primary or November general election? Upon the commission's dissolution do we become private citizens, and are we then legally able to promote the proposal, either individually or as the majority?

In §7-3-177 MCA, the statute outlines the term of office for study commissioners. In section (1), it states: "The term of office of study commission members begins on the day that their election to the study commission is declared or certified under 13-15-405 or on the day of their appointment and ends on the day of the vote on the alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with 7-3-187."

3. City of Columbia Falls voters approved, by petition and subsequent vote in 1992, to approve an alternative form of government. Should our commission vote to recommend self-governing powers and voters defeat the proposal, can the city council put the proposal to voters at some future date by ordinance?

Yes, although the city council may need to keep in mind §7-3-104 MCA that if something is adopted by the voters, it cannot propose a change for 3 years.

7-3-104. Limitation on change in alternative form. The electors of any unit of local government which has adopted a new alternative form of local government may not vote on the question of changing the form of local government until 3 years after the new alternative form of local government becomes effective, but the voters may vote on amendments to the alternative form or service or functional transfers.

This is a lot, I know. Thank you for your attention to this and your assistance previously provided.

Roger

Barb Staaland

From: Public Comment
Sent: Monday, November 24, 2025 6:31 PM
To: Barb Staaland; Eric Hanks
Subject: FW: Governance in Columbia Falls

Follow Up Flag: Follow up
Flag Status: Flagged

From: Pat Malone <pcmwccc@hotmail.com>
Sent: Monday, November 24, 2025 6:13 PM
To: Chris Peterson <cpeterson@hungryhorsenews.com>
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Subject: Governance in Columbia Falls

Being retired and traveling much of the summer has meant that our family was not able to engage with the important work of our Local Government Study Commission, which is unfortunate. For their charge and opportunity is great and very timely.

The future form and powers of our local government is a critical fit with our future land use and growth management visioning. Columbia Falls, like nearly all local governments, need to promote self-governance and home rule (or shared powers) authority in order to truly control our future and guide growth and development. Under Montana's 1972 constitution, local governments have the power to exercise any powers not denied by the constitution, state law, or their charter, which is a broad grant of authority. This is a distinct from a system where specific powers are granted by the state (like we operate now).

If Columbia Falls really wants to achieve the hopes and dreams of its residents, local business owners, and I suspect guests we must adopt a self-governance model that empowers us to define our own destiny.

Pat Malone, Columbia Falls