



FROM

Big Horn County  
Government Study Commission  
Hardin, Montana

DATE: February 23, 1996

ADDRESSED TO: Ken Weaver

FAX #: 994-1905

TOTAL # OF PAGES:  
*INCLUDING THIS COVER SHEET*

8

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DESCRIPTION:

County Study Commission: Report; Proposal;  
Certificat of Existing Form of Govt.

COMMENTS:

Please let us know if everything seems to be in order  
with these documents. Thanks! ☺

**Certificate**  
**Establishing the Existing Plan of Government**  
**for**  
**Big Horn County**

If retained by the voters, the government of Big Horn County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government.

**7-3-111. Statutory basis for elected county official government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401; [*Commission Form*]
- (b) 7-3-402; [*Nature of Gov't .]*
- (c) 7-3-412(2); [*Selection of commission members*]
- (d) 7-3-413(1); [*Type of election*]
- (e) 7-3-414(1); [*Chairman of commission*]
- (f) 7-3-415(2); [*Administrative assistants — commission may appoint...*]
- (g) 7-3-416(2); [*Terms of commission members*]
- (h) 7-3-417(2); [*Size of commission & community councils — councils may be authorized...*]
- (i) 7-3-418; [*Terms of elected officials*]
- (j) 7-3-432(1); [*Legal officer, i.e., co. atty.*]
- (k) 7-3-433(1); [*Law enforcement officer, i.e., sheriff*]
- (l) 7-3-434(1); [*Clerk & Recorder*]
- (m) 7-3-435(1); [*Clerk of District Court*]
- (n) 7-3-436(1); [*Treasurer*]
- (o) 7-3-437(6); [*Surveyor/Co. Clerk — not included as a separate office*]
- (p) 7-3-438(1); [*Sup't of Schools*]
- (q) 7-3-349(6); [*Assessor/Co. Clerk — not included as a separate office*]
- (r) 7-3-440(1); [*Coroner*]
- (s) 7-3-441(2); [*Public Administrator/Clerk of District Court -- appointed by local government commission*]
- (t) 7-3-442(6) [*Auditor -- not included in this form as a separate office*]

(2) this form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

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

**7-3-401. Commission form.** The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

**7-3-402. Nature of government.** Local governments that adopt this form shall have general government powers.

**7-3-412(2). Selection of commission members.** The commission shall be elected by districts in which candidates must reside and which are apportioned by population;

**7-3-413(1). Type of election.** Local government elections shall be conducted on a partisan basis.

**7-3-414(1). Chairman of commission.** The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

**7-3-415(2). Administrative assistants.** The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

**7-3-416(2). Terms of the commission members.** Commission members shall be elected for overlapping terms of office.

**7-3-417(2). Size of commission and community councils.** The size of the commission shall be three, and community councils to advise commissioners may be authorized

**7-3-418. Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office of commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

**7-3-432(1). Legal officer.** A legal officer (who may be called the county attorney) shall be elected.

**7-3-433(1) Law enforcement officer.** A law enforcement officer (who may be called sheriff) shall be elected.

**7-3-434(1) Clerk and recorder.** A clerk and recorder shall be elected.  
*(Includes Assessor. Also includes duties of Surveyor.)*

**7-3-435(1). Clerk of district court.** A clerk of district court shall be elected.  
*(Includes Public Administrator.)*

**7-3-436(1). Treasurer.** A treasurer shall be elected.

**7-3-437(6). Surveyor.** A surveyor shall not be included in this form as a separate office.  
*(Included with Clerk & Recorder.)*

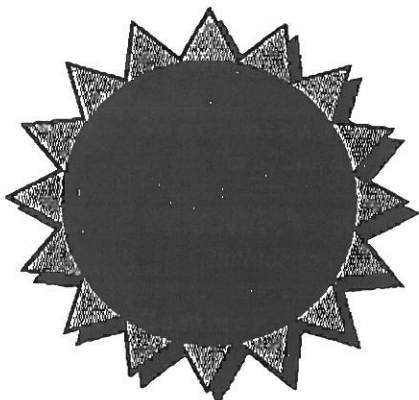
**7-3-438(1). Superintendent of Schools.** A superintendent of schools shall be elected.  
*{Part-Time as of January 1995. See 20-3-201(4) & 20-3-213 M.C.A.}*

**7-3-439(6). Assessor.** An assessor shall not be included in this form as a separate office.  
*(Included with Clerk & Recorder.)*

**7-3-440(1). Coroner.** A coroner shall be elected.

**7-3-441(2). Public Administrator.** A public administrator shall be appointed by the local government commission.  
*(Included with Clerk of District Court.)*

**7-3-442(6). Auditor.** An auditor shall not be included in this form as a separate office.



We, the Study Commissioners of Big Horn County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set our hands.

Done at Hardin, Big Horn County, Montana

this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Cyndy Maxwell, Clerk & Recorder  
Big Horn County, Montana

\_\_\_\_\_  
David Seder, Chairman

\_\_\_\_\_  
Ron Reece

LOCAL GOVERNMENT STUDY COMMISSIONERS

Big Horn County  
Local Government Study Commission: 1995-96

~ Proposal ~

Proposed Policies Regarding Establishment of  
Community Councils

1. Members will reside in the commissioner district which they represent.
2. Each commissioner district will have three (3) representatives chosen from within each of its local communities or appointed by the County Commissioners upon receipt of a letter of interest. Representation will be from the following communities:
  - District #1 -- Pryor, Lodge Grass, Fort Smith  
(Precincts: 1, 2, 3, 8, 9, 14, 15, 21)
  - District #2 -- Sarpy, Decker, Crow Agency  
(Precincts: 5, 6, 7, 10, 25, 26)
  - District #3 -- Hardin, North Valley  
(Precincts: 4, 17, 18, 19)
3. Each Community Council member is responsible for meeting with the County Commissioners on a quarterly basis.
4. Reimbursement for each member of the Community Council shall be as follows:
  - a. \$50.00 for each meeting attended.
  - b. State rate for mileage for travel the each quarterly meeting attended.

**Big Horn County  
Local Government Study Commission: 1995-96**

**~ Report ~**

February 22, 1996

To the Citizens of Big Horn County, Montana:

The Big Horn County Local Government Study Commission, elected by the voters on November 8, 1994, present this Tentative Report to the citizens of the County for their review before writing our Final Report, which will make recommendations and place issues on the November 5, 1996 ballot.

The purpose of the Study Commission, as defined in 7-3-171 through 7-3-193, M.C.A., is to study the existing form and powers of a local government and existing procedures for delivery of local government services and compare them with other forms available under the laws of the state of Montana. A study commission may be established by an affirmative vote of the people at 10-year intervals.

In the conduct of our review, the study commission has sought advice and information from a number of people within the county, from other counties, and professional agencies. Opinions and recommendations were solicited from area communities, local citizens and organizations by means of county-wide hearings which were open to the public. A mailed survey, in which we gathered information to gain a wider range of views of the people in the county proved quite successful.

While in the process of assessing the efficiency of our county government, we found various problems involving waste of county funds primarily caused by uninformed decisions. We investigated the option of a professional manager form of government, but, after reviewing the results of the mailed survey, we felt there was not adequate support for such a major

change in the form of government at this time. We feel such a change may, in the future, gain sufficient support if elected officials fail to exhibit more dedication to their jobs by investing more time researching and analyzing the needs of the county in the changing economy.

Law enforcement was also a topic we researched. Big Horn County and the City of Hardin share a consolidated law enforcement organization operated under the direction of the Big Horn County Sheriff. Attention to this issue is long-overdue. We found that inequities exist in the amount of funding furnished by each governmental entity for services and some members of the community perceive various inequities in the delivery of those services. We believe that provision must be made for the City and County to meet on a regular basis to address this issue. Time and effort will be required to eliminate inequities and to prevent an unnecessary burden on the tax payers.

Upon completion of our examination of the existing form and powers of Big Horn County government and its procedures for delivery of local government services, we, the Big Horn County Study Commission, propose the following recommendations and changes to Your local county government.

#### Study Commission Recommendations:

1. The County Commissioners establish Community Councils according to provisions in 7-3-417 M.C.A. as outlined in our policy recommendations by March 1, 1997;
2. In hopes of improving City and County relations, enactment of a resolution or plan to have at minimum, quarterly meetings of the Hardin City Council and the Big Horn County Commission to resolve the dispute over Law Enforcement funding within the City of Hardin.
3. By the powers invested in the Study Commission, we will place a proposal on the ballot for the November 5, 1996 general election that will change county elections for

elected official to a non-partisan basis. Provision for this measure is found in 7-3-413 M.C.A.

If you have any comments or questions regarding these recommendations or proposals affecting your county government, we encourage you to attend our meetings that are held on the 2nd and 4th Fridays of each month at the Courthouse, Room 301, to express your views.

Big Horn County Study Commission

David Seder  
David Seder, CHAIRMAN

2-23-96  
Date

Ron Reece  
Ron Reece, COMMISSION MEMBER

2-23-96  
Date