



# FINAL REPORT

1996

Government Study Commission  
Polson, Montana

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## INTRODUCTION

"The Legislature shall require an election in each local government to determine whether a local government will under take a review procedure once every ten years...". Article XI, Section 9, of the Montana Constitution. With this statement, the power to examine, scrutinize, assess, and, if necessary, change local government structures is clearly in the hands of the citizens of Montana.

A Study Commission was established for Polson by an affirmative vote to that question on June 7, 1994. And in the following November general election, Dennis DeVries, Tim Holyk, John Bennett, Nita Coleman, and Eric Hall were elected as commissioners of the Polson Government Study/Review Commission. Michael Lies was appointed member ex-officio by the Polson City Council. Due to relocation, Nita Coleman's resignation was accepted and Jerry Gray was appointed as commissioner by the City Council.

"The purpose of a study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state." ref. 7-3-172

The commissioners serve without pay and are earnestly trying to fulfill the duties of their commission. The Commission has had public meetings twice a month to gather thoughts, opinions, and information concerning this local government review.

The Commission has conducted interviews with persons holding offices and positions within our local government, conducted a local survey, and has held a public hearing to gather information.

It is the intent of the Commission to make recommendations from these efforts that will serve to fill the needs of our community now and in the future. This report is the result of the Commission's findings and sets forth the recommendation of the Commission.

## FINDINGS OF THE STUDY COMMISSION

During its existence the Polson Study Commission has conducted personal interviews with city officials and employees, conducted a written survey at the Polson Trade Fair, reviewed city procedures, made inquiries with other cities of comparable size and held a public hearing. We have reached the following conclusions:

1. Our form of government, common to many other cities and towns in Montana, is called the "weak mayor - council" form.
2. Six council members elected from three wards serve over-lapping terms and act in both a legislative and an administrative capacity.
3. Our city government functions:
  - a. As well as it does because of the individual personalities holding positions;
  - b. Through an informal consensus among all office holders and city employees;
  - c. Within its budget and at the maximum permitted millage;
  - d. There appears to be a blurring of administrative, legislative, and executive powers.
4. Recurring problems which were identified and may or may not be related to either form or function are:
  - a. Department heads not being able to supervise work crews due to administrative work loads;
  - b. Lack of funding to provide needed work on streets, (this is funded from taxes);
  - c. The impact of city growth on infrastructure (streets, water, sewer);
  - d. Low tax base;
  - e. Lack of citizen interest.

## SURVEY RESULTS

1. Do you live or own property within the City of Polson limits?  
230 people responded - 56% were city residents.
- 2a. Are you a registered voter?  
87% of the respondents claimed to be registered voters.
- 2b. Were you born in Montana?  
30% were native Montanans.
3. Are you familiar with the City of Polson's form of city government?  
Most of those surveyed claimed to be familiar with the City of Polson's form of government, 74% to 26%.
4. How would you rate the effectiveness of the current form of City Government?  
On the scale of 5 being effective and 1 being not effective, the average response was 2.9
5. Using the six forms of government, mark your order of preference 1 being the most preferred.  
Commission - Executive form
6. If you own property within the City of Polson, how does your property tax in 1994 compare to the past five years?  
30% - Extremely high increase  
37% - High increase  
30% - Moderate increase  
3% - Small increase  
0% - No increase
7. How do you rate the city services you receive on a scale of one to five, with five being the highest?

Golf Course	-	4.38
Fire	-	4.22
Library	-	4.17
Water	-	3.70
Parks	-	3.67
Police	-	3.61
Sewer	-	3.47
Mayor	-	3.16
Council Admn.	-	3.09
Bldg Inspector	-	2.53
Streets	-	2.08

(Noted as pointed out by public comment - those at the top rating have public boards or advisory committees. Those rated at the bottom provide little opportunity for public input.)

8. On a scale of one to five with five being the highest, what is your opinion as to whether your local government adequately protects the health and safety of its citizens?  
Responses averaged 3.53
9. If you attended a public hearing do you think your input would be worthwhile?  
63% - yes  
37% - no
10. How much do you think the city spends annually?  
Under \$500,000 - 8%  
\$500,000 - \$1 Million - 19%  
\$1 million - \$1.5 million - 22%  
\$1.5 million - \$2 million - 34%  
Over \$2 million - 17%
11. In your opinion, is the local government representative of the whole community? Rate 1 to 5 with 5 being very representative  
Average - 2.98
12. In your opinion, should the election of officials be partisan or nonpartisan?  
26% - Partisan  
74% - Nonpartisan
13. In your opinion would consolidation improve local government?  
52% - Yes  
48% - No
14. Does Polson's being located on a reservation affect city government? Rate from 1 to 5 with 1 being the least and 5 being the most.  
Average - 4.13

## Summary of the Alternative Recommendation

The Polson City Government Study/Review Commission makes the following recommendations to the voters of the city of Polson, Mt.

1. The City of Polson should adopt the Commission-Manager form of government. (council-manager form)
2. The plan of government shall operate with self-government powers.
3. The Commission (council) will be five (5) members.
4. One (1) commission (council) member be elected by each Ward. Two commission members be elected at large.
5. The Chairman of the Council to be elected by the council members.
6. Elections will be non-partisan.



## Government Review Study Commission Timetable

Nov 1994		Election of commissioners
Nov 29, 1994		First meeting of commission.
Jan - May ,1995		Interviews with public officials
Oct 30, 1995	7-3-186 2(a)	Deadline for public hearing(s) to gather information.
Jan 9, 1996	7-3-186 2(b)	Deadline to formulate, reproduce, and distribute tentative report.
Jan 29, 1996	7-3-186 2(c)	Deadline for public hearing(s) on tentative report.
Apr 22, 1996	7-3-186 2(d) 7-3-187	Deadline to adopt final report and set date for special election.
Jun 11, 1996	7-3-192	Election on recommendation (if necessary)

PUBLIC MEETINGS

The Polson City Government Study/Review Commission held regular public meetings on the second Tuesday and the fourth Monday of each month.

Interviews with Polson City Government employees were held on the following dates:

- January 23, 1995 ----- Mayor John Glueckert
- February 27, 1995 ----- Treasurer Bonnie Manicke
- March 14, 1995 ----- Councilman Tom Jones
- March 27, 1995 ----- Councilman Tom Vergeront  
Councilman Roland Pedersen
- April 18, 1995 ----- Police Chief Ron Buzzard  
Fire Chief Mike Tucker  
Water/Sewer Superintendent John Campbell  
Building Inspector Richard Mabee
- May 22, 1995 ----- Judge Don Lucas  
City Clerk Aggie Loeser  
Librarian Marilyn Trospen  
Parks/Streets Superintendent,  
Leonard DeVore
- September 25, 1995 --- Public Hearing
- January 22, 1995 ----- Public Hearing on Tentative Report

June 26, 1995

Summary of the meeting with Columbia Falls City Officials and Polson City Study Commission.

Attending the meeting were, Columbia Falls City Council, Mayor and City Manager. Also attending were Polson City Study commission, Dennis DeVries, Tim Holyk, Eric Hall, and Mike Lies.

One of the City Councilmen from C. Falls was the past Mayor. She was very supportive of the city manager, saying that work and improvements in the city were being done and not just put on a list.

The city council as a whole was happy the way the city manager had taken charge of the city. The council also said that it is not easy to make all parties happy in running the city, and had complaints from both city employees and citizens. The main objective of the city manager is to carry out the councils request. They also said that the manager would have to be forceful which may create some conflicts, but that it would bring about the efficiency in government that they desired.

City manager salaries in Montana range from \$25,000.00 to \$70,000.00 per year. The council noted the city manager should pay for himself in efficiency in running the city and also in writing for grants and other funding projects.

## STRENGTHS OF THE COMMISSION-MANAGER FORM OF GOVERNMENT

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. The manager serves at the pleasure of the commission and can be removed by a majority vote of the whole number of the commission. The commission - manager form separates the administrative and legislative functions of government.

Under this form of government there would be an executive in City Hall who is charged with the day to day functioning of the city government. Citizens who have a question or a problem to be solved would have a single individual to go to. Vesting the leadership and administration of local government in a full time executive permits the pinpointing of responsibility.

The Study Commission believes that self-government powers for Polson would offer the following advantages:

1. Quicker response time to problems and/or opportunities.
2. Self governing cities have the power to tailor the government to fit the local situation, within the limitation of state statutes.

## DEFICIENCIES OF THE PRESENT FORM OF GOVERNMENT

Our present form of city government is referred to as the "weak Mayor-Council form". "Weak" clearly shows the main disadvantage. With only a tie-breaking vote and able to run the city's business only with the approval of the Council, the Mayor cannot legally act as an effective administrator. The sharing of administrative powers between the Mayor and Council leads to a lack of understanding as to who is responsible for the day to day decisions that are beyond the authority of department heads.

Polson's growth and the growth of mandated programs by the State and Federal governments, has resulted in an increased work load for all levels of city government. The increase in work load is putting time demands which are beyond that which should reasonable be expected of our "part-time" officials, who find themselves needing to put in full time hours to accomplish the tasks set before them. The number of Polson residents who are seriously interested in a position in the city government is severely restricted by these time pressures, in that it is difficult to work more than one full time job. When city government duties reach this proportion, it is a normal progression to look at restructuring the city government to meet the city's needs. The time is past when Polson can afford to operate with a part time government administrating a budget of nearly 2 million dollars.



CERTIFICATE  
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT  
FOR  
THE CITY OF POLSON, MONTANA

7-13-113. Statutory basis of 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) 7-2-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(2);
- (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.

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:

- (1) general government powers;

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in 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:

(2) may appoint one or more administrative assistants to assist him 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:

(3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees:

7-3-214. Veto power. The executive may:

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

7-3-215. Preparation of budget. The executive may:

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

7-3-216. Administrative supervision and control. The executive may:

(2) 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):

(1) shall be elected:

7-3-218. Selection of commission members. The commission shall be:

(2) 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:

(2) nonpartisan basis.

7-3-220. Chairman of commission. The commission shall have a chairman who shall be:

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

7-3-221. Presiding officer of commission. The presiding officer of the commission shall be:

(3) 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):



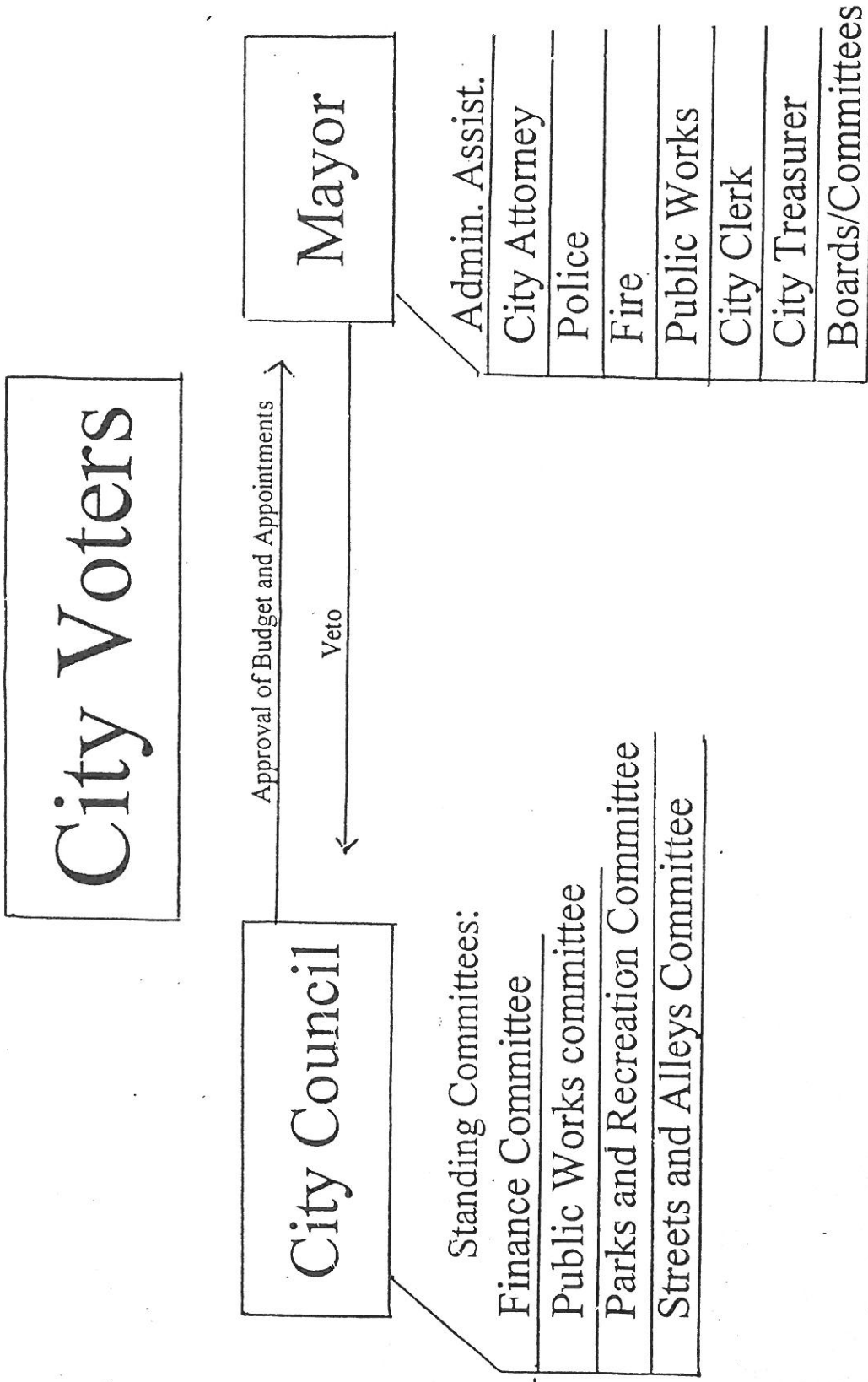
7-3-222. Terms of commission members. Commission members shall be elected for:

(2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(2) community councils to advise commissioners may be authorized by ordinance.

COMMISSION - EXECUTIVE FORM  
 (Council - Mayor)



\*Does not include Judicial Branch

CERTIFICATE  
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT  
FOR  
THE CITY OF POLSON, MONTANA

Upon approval of the majority of voters, the government of the City of Polson, MT. shall be organized under the following provisions of Section 7-3-114 MCA.

7-3-114. Statutory basis for municipal commission-manager 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 municipal commission-manager form of government shall be governed by the following sections:

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

(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 five members.

These sections establish the following form of government which shall be called a 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 (2). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing self-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(3). 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(2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-314(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

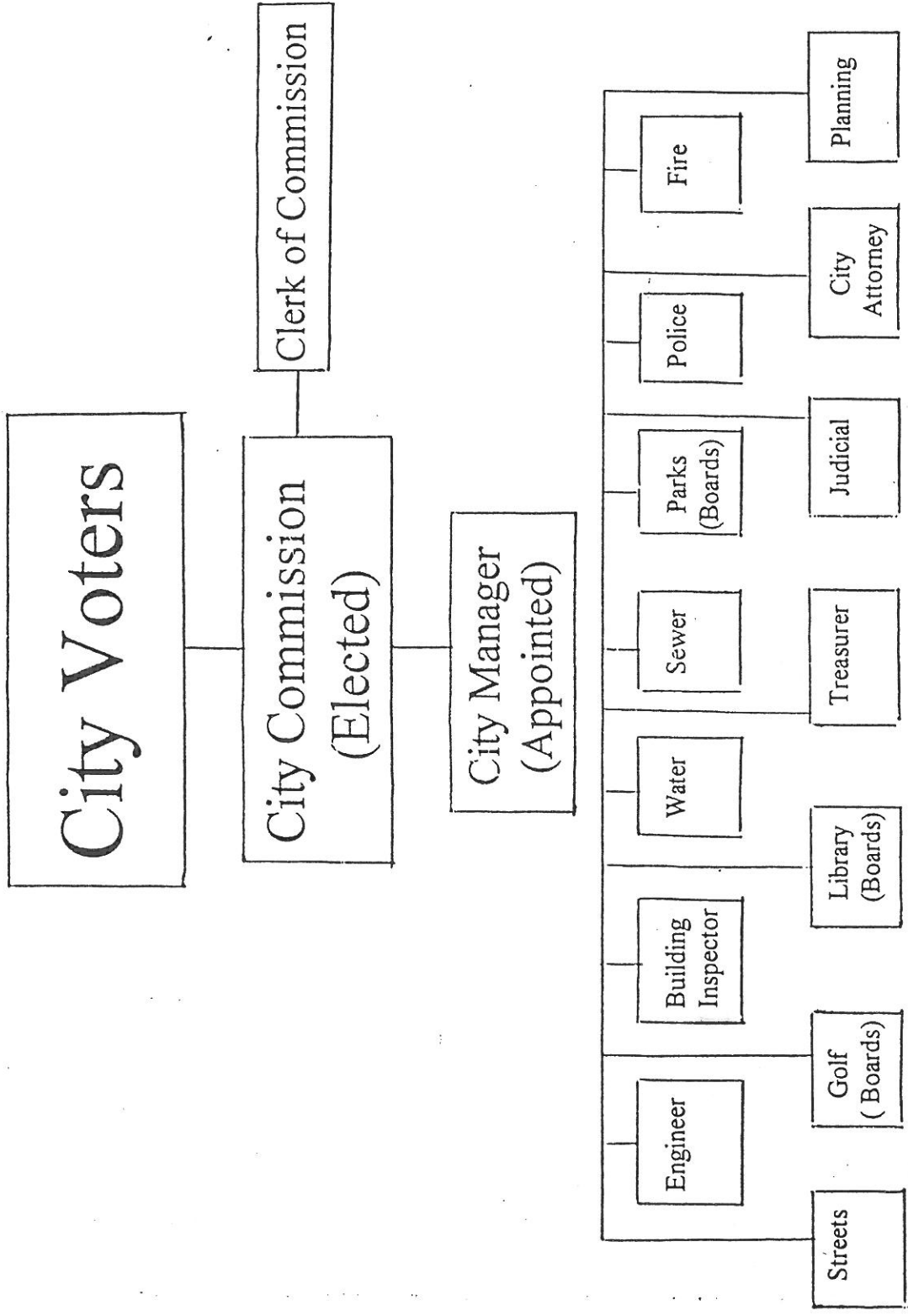
7-3-315(2). Chairman of commission. The chairman of the commission shall be elected by the qualified electors for a term of office.

7-3-316(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317(2). Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, 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 may not exceed 4 years and shall be established when the form is adopted by the voters.

Commission-Manager Form




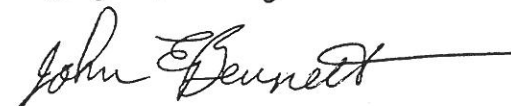

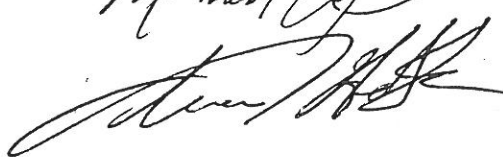
We, the Study Commissioners of Polson, Montana do hereby certify that this is the proposed Plan of Government as established in Section 47A-3-203: Revised Codes of Montana, 1947.

In testimony whereof, we set our hands.

This 11th day of March, 1996.

ATTEST:

Aggie G. Loeser  
Clerk & Recorder of The  
City of Polson

  
Eric L. Hall  
  
John Bennett  
  
Michael [unclear]  
  
Steve [unclear]

CERTIFICATE  
ESTABLISHING THE DATE OF THE SPECIAL ELECTION  
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT  
SHALL BE PRESENTED TO THE ELECTORS OF  
THE CITY OF POLSON

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Polson at a special election to be held with the primary election on June 11, 1996.

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

In testimony whereof, we set our hands,

Done at Polson, Montana

this 3rd day of March 1996.

ATTEST:

Angi B. Laeser  
CLERK & RECORDER OF  
THE CITY OF POLSON

[Signature]  
[Signature]  
[Signature]  
[Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR  
THE JUNE 6, 1996 SPECIAL ELECTION

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

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

1.

Vote for One.

For adoption of the commission-manager form of government proposed in the report of the Polson Local Government Study Commission.

For the existing form of government.

We, the Polson Local Government Study Commissioners do hereby certify that this is the official ballot approved by the Polson Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

ATTEST:

Aggi G. Loewer  
CLERK & RECORDER OF  
THE CITY OF POLSON

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]