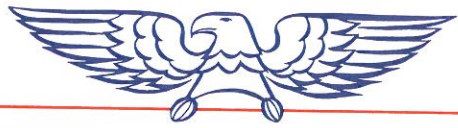


VOTER 76 REVIEW of Local Government

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A PROPOSAL FOR AN
ALTERNATIVE FORM OF
GOVERNMENT FOR THE
CITY OF BOZEMAN, MT
TO BE SUBMITTED TO
QUALIFIED VOTERS OF
BOZEMAN, MONTANA
JUNE 1, 1976

PREPARED BY THE
BOZEMAN LOCAL GOVERNMENT
STUDY COMMISSION



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ACKNOWLEDGEMENTS

Members of the Bozeman Local Government Study Commission wish to acknowledge the assistance and cooperation received from organizations, agencies, and individuals while this report was in the process of being prepared.

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The State Commission on Local Government for the assistance provided by them through personal interviews, workshops, and publications; the officials and staff of the city of Bozeman; the Gallatin County Local Government Study Commission, as well as, county officials and staff; the Comprehensive Employment and Training Act (C.E.T.A.) for providing funds to employ an office secretary; to Linda Praye (C.E.T.A. office secretary) for dedicated and efficient conduct of the secretarial work; to the Montana Cooperative Extension Service at Montana State University and the Bureau of Government Research at the University of Montana who combined their efforts with the Community Service programs of Title I of the Higher Education Act of 1965 to provide helpful information and publications; to Dan Mizner, Executive Secretary of the Montana League of Cities and Towns, for specific efforts on his part in supplying information and attendance at our meetings; to Frank Bryan, head of the Department of Political Science at Montana State University, who conducted the Local Government Survey attached in Appendix B; to Libby Sylvis for assisting in keeping office communications open during the absence of the secretary from the Study Commission office; to the Bozeman Daily Chronicle for excellent coverage and reporting of our meetings; to the High Country, the Billings Gazette, K.X.X.L., and K.B.M.N. for their assistance in keeping the public informed regarding meetings and deliberations of the Study Commission; to the citizens who attended meetings either because of special requests to appear or because of personal interest; to county and city officials of Ada County and the city of Boise, Idaho, for their time in discussing with us the organization of public services provided by the city of Boise and Ada County.

In acknowledging the assistance from those mentioned, the Study Commission wishes to express their most sincere thanks and appreciation to them.

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April 12, 1976

To: All Citizens of the city of Bozeman
From: The Bozeman Study Commission on Local Government
Re: Final Report regarding an Alternative Form of Government for the city of Bozeman, Montana.

The Bozeman City Study Commission members were elected on November 5, 1974. They were elected, under procedures prescribed by the 1974 legislature, to carry out a citizen review of local government. Such a review was mandated by Montana's new constitution. Section 9 of Article XI of Montana's Constitution reads as follows:

"(1) The Legislature shall within four years of the ratification of this Constitution, provide procedures requiring each local government or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election. (2) The legislature shall require a review procedure once every ten years after the first election."

Members of the Bozeman City Study Commission are Torlief S. Aasheim, Chairman; Joyce Greenough, Vice Chairman; Judy Mathre, Secretary and Treasurer; Keith Swanson, and Ken Jones. Since we were elected, we have usually met on the second and fourth Monday of each month. We have also had special meetings with other study commissions in the county. At these meetings, all of which have been open to the public, we have listened to local citizens, city department heads, past and present city commissioners, the city manager, and others.

The Bozeman City Study Commission held 30 meetings including two public hearings during the period November 5, 1974 through April 12, 1976.

Two hundred eighty people were in attendance at the meetings held. Twenty people other than the commission members attended the public hearing on September 8, 1976 and 28 attended the hearing on March 15, 1976. The minutes of the September hearing are included as Appendix A of this report. Minutes of the March hearing are included as Appendix E.

One hundred fifty five different people had attended Study Commission meetings through April 12, 1976.

With the assistance of Professor Frank Bryan from Montana State University and students from his class in Analysis of Political Behavior, a survey was conducted. The survey was conducted for the purpose of getting a large number of local people to express their opinions on Bozeman's local government and related matters. Four hundred eleven people responded to the survey. A copy of the survey questionnaire and the results are attached to this report as appendix B.

Ken Jones, Keith Swanson, and Torlief Aasheim spent two days in Boise, Idaho visiting with city and county officials regarding modifications in city and county government which have been instituted there. Ken Jones spent some time in Rosebud County visiting with county and city officials concerning their consolidated law enforcement, organization, and operation.

Our recommendations reflect the thoughts and opinions of those who participated in the public hearings, those who attended our regular meetings, those who responded to our survey, in addition to, the independent efforts of the members of this study commission.

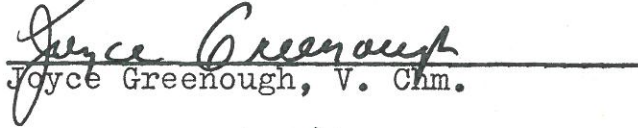
In this report, we present our recommendations for an alternative form of government that we feel will provide improved services to the people of Bozeman. We feel that the commission-manager form of government has served Bozeman and it's citizens very well. We have had hardly a single person speak to us unfavorably concerning it. We have had a number of people indicate the need for a procedure or vehicle which would provide for effective public input into the decision making process which goes on at "City Hall".

As an alternative form of government we are submitting to you as voters, a charter which provides for maintaining the commission-manager form of government with self government powers. In granting self government powers, however, the charter limits the power of Bozeman city commissioners to levy property taxes. We are also submitting one suboption for consideration of the electorate. This suboption relates to the formation of community councils.

The opportunity for voters to express their preference, with regard to this alternative form of government and the suboption, will be provided at the primary election, June 1, 1976.

Submitted by Members of the
Bozeman Study Commission on
Local Government.


Torlief S. Aasheim, Chm.


Joyce Greenough, V. Chm.


Judy Mathre, Sec. & Trea.


Kenneth Jones


Keith Swanson

SUMMARY

The 1974 legislature authorized procedures to carry out the citizen review of local government mandated by the new Constitution. Montana lawmakers detailed the responsibilities of citizens, local officials, and members of local government study commissions and established a State Commission on Local Government to conduct research and make recommendations to the state legislature.

The local government article of the Montana Constitution provided for two distinct, but closely related local government exercises: review of local government forms and self government charter writing. Each local study commission was directed to study forms and powers of local government and conclude its work with a report and recommendation to the voters. In order to utilize fully the expertise available on local study commissions, the legislature decided to allow the commissions either to "draft a self government charter" or to submit an "alternative form of government" to the voters.¹

Bozeman citizens who responded to a survey, and who attended study commission meetings, indicated strong support for the commission-manager form of government. They also strongly supported more power for decision making at the "grass roots" as indicated by 86% of the survey respondents who favored more authority for decision making at the local level. Some preference was indicated for the election of city commissioners on a district basis rather than from the city as a whole.⁸

The greatest dissatisfaction with the city government in Bozeman was focused on the apparent lack of responsiveness to the public.

The Bozeman Local Government Study Commission, in discharging its responsibilities to the electorate of the city of Bozeman, is recommending that as the alternative form, the commission-manager form of government be maintained in the city of Bozeman, but that the city commission be granted self government powers with limitations on powers to impose taxes on real and personal property.

The proposed alternative form is being submitted in the form of a charter which prescribes that three of the five city commissioners shall be elected, at-large, one from each of three districts apportioned by population. The charter also prescribes that the other two commissioners shall also be elected by the voters at-large but nominated from the city as a whole. One of these two commissioner positions shall be placed on the ballot as the mayor's position and the other position shall be designated as the deputy mayor's.

The charter includes one suboption which provides for the election of three community councils. These councils are for the purpose of advising city commissioners regarding problems

within their neighborhoods. If the charter fails to receive the approval of the voters then the suboption also fails. If the charter is approved by the voters and the suboption fails then the suboption will be removed from the charter.

This proposal for an alternative form of government will be submitted to the voters at the primary election on June 1 and will appear on the ballot as illustrated on the following page.

Instruction to voters: Place an "X" in the boxes which express your preference. The full text of the proposed form of government and of the existing form of government are available at your polling place.

SAMPLE BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT
FOR THE CITY OF BOZEMAN, MONTANA

If the proposed form of government fails to receive a majority of the votes cast on the question, the suboption also fails. If the proposed form is adopted, the suboption requires only a plurality of votes cast on the suboption for adoption.

PLEASE VOTE ON BOTH ISSUES

1.
Vote for one.

- For adoption of the charter of the commission-manager form of government with self government powers as proposed in the report of the Bozeman Local Government Study Commission.
- For the commission-manager form with general powers. (The existing form of government.)
-
-

2.
Vote for one.

Suboption to be included in the new form of government, if the new form is adopted.

- Community councils of at least three (3) members shall be elected within each district to advise the commissioners.
- Community councils to advise commissioners may be authorized by ordinance of the city commission. (This opportunity exists at present.)
-
-

SECTION 3 DESCRIPTION OF PRESENT GOVERNMENT

Introduction

Review of the form of local government is not new in Bozeman. The Montana Taxpayer of March, 1948 described the situation occurring in 1921. "The city was a half million dollars in debt, city warrants were being discounted, the city services were deplorable and taxes were high."

Dr. Merrill Burlingame described the switch from a mayor-council form of government to city manager on the 50th anniversary of the change.² In January of 1921 the Rotary Club sponsored a discussion on the city manager form of government. A plan of support for this form was unanimously endorsed. The voters voted upon the change the following June and it was passed by a narrow margin of 35 votes. The first city manager was selected in January of 1922. By January 1923, registered warrants were reduced from \$47,228 to \$3,464. A net surplus for operating costs had doubled and the government of Bozeman was well on its way to fiscal solvency.

3.1 SOCIO-ECONOMIC DESCRIPTION OF BOZEMAN

Population and Growth

Between 1960 and 1970, the population of the city of Bozeman has grown from 13,361 to 18,770, a change of 39.7%.³ The city planning staff estimates the population has increased to 21,700 in 1975, an increase of 16.2% since 1970. Population figures include university students.

The planning staff has observed significant changes in the economic, social, and environmental fabric of Bozeman and Gallatin County. Four changes cited include:

1. The traditional economic functions have shifted from primarily agricultural ones to those of retail trade, professional services, tourism, and land development.
2. Land use patterns have changed from wide open agricultural and mountain lands into both year-round and seasonal building lots for new arrivals.
3. Different and varied life styles have emerged, and are influencing the present and future fabric of economic, social, environmental, and political structures.
4. Problems associated with rapid urban and regional growth, (land use conflicts, groundwater pollution, delivery of municipal services, etc.) have emerged and must be reckoned with.⁴

Between 1975 and 1990, the population of Bozeman and its surrounding 4½ mile jurisdictional area is expected to gain an additional 9,720 to 25,300 people. The rate of growth will depend on jobs available, and the desire of people to live in a relatively crime free, pollution free, scenic area.⁴

The growth rate in Gallatin County has not matched that of Bozeman. Population in 1960 was 25,045 and increased to 32,505 in 1970, a change of 24.8%.⁵

Population in Gallatin County without the population of Bozeman was 12,684 in 1960, and grew to 13,735 in 1970. This represented only an 8.3% increase.

Employment and Income

Employment statistics are based on county population. For Fiscal Year 1975, average unemployment for the civilian work force in Gallatin County was 5%, and 6.5% statewide. In 1969, only 7% of the families of Gallatin County had incomes below the poverty level while the average statewide was 10.4%. Median income for families in Gallatin County in 1969 was \$8832 and \$8512 statewide.⁵

Observations and Conclusions

There is no doubt that Bozeman will grow. The directions for growth remain to be defined. Growth, however, means there will be a need for development of municipal services and strong leadership in planning and definition of growth patterns. The employment and income situation in Gallatin County is similar to that in the state.

3.2 POLICY MAKING AND ADMINISTRATIVE STRUCTURE

City Manager

The city manager is appointed by the city commission to administer local government affairs in Bozeman. He is Bozeman's chief administrative officer. He is hired on the basis of his ability to direct and supervise all departments and agencies; prepare and execute the budget; appoint, suspend, remove, and be responsible for all employees; and prepare the commission agenda.

City Commission and Mayor (Chairman)

The commission consists of five elected policy-making people what are responsible for the local government's policies and direction. Commissioners are elected at-large for four year overlapping terms of office. The position of mayor or chairman is filled by the commissioner receiving the highest number of votes. He serves the first two years of his term of office as a commissioner and the last two as mayor.

The mayor presides at the commission meetings. He is the commission's spokesman and is head of the commission for purposes of ceremony and hospitality. He has few administrative duties. Most administrative duties are clearly the responsibility of the manager. The mayor exercises the same powers as the other commissioners.

The commission appoints the manager and he is responsible to them. He is appointed for an indefinite term and can be dismissed by a majority vote of the commission. Commission members, however,

are prohibited from dictating appointments or removals or dealing directly with employees over whom the manager has control.

The commission has the power to create, establish, abolish, and organize offices and fix the salary and compensation of all officers and employees with some exceptions. They make and enforce sanitary, police, and other regulations; pass such ordinances as may be expedient for maintaining and promoting peace, good government, and the welfare of the municipality, and for the performance of all of the functions of the municipality. The commission carries out and puts into effect all the powers by ordinances, resolutions, or orders that are granted to municipalities by the constitution or laws of the State of Montana. The commission has the power to pass ordinances, adopt regulations, and exercise all the powers conferred on it by Chapter 32 and 33 of Title 11 RCM, as amended; and has all the powers conferred by law upon city councils insofar as the same are not inconsistent with Chapter 32 and 33, Title 11 RCM. (Ord. 524 8; Feb. 3, 1922)⁶.

Other City Officials

The city commission appoints, in addition to the city manager, the clerk of the city commission and the police judge.

The city manager hires department heads and employees, including the assistant city manager, city engineer, director of the department of finance, and director of the department of law. The service, public safety, and public welfare are headed by the city manager. He hires department heads within each of those departments, ie. streets, water, parks, library, police, etc. (see Organizational Chart, page 22).

Boards and Commissions

The city of Bozeman relies on twelve citizen boards to help formulate its governmental policies. These boards provide citizen input for decision making processes in two city departments, the Department of Public Safety and the Department of Public Welfare.

Members of these boards are appointed by the city commission, or appointed by the mayor with the approval of the city commission, or designated by state statute. In some cases, they are selected by election from departments in which they serve.

The Department of Public Safety consists of the Police, Fire, and Inspection Divisions. These city agencies are assisted by the following citizen boards:

1. Board of Police Commissioners
2. Board of Trustees - Police
3. Civil Service Board - Police
4. City Zoning Commission
5. Board of Adjustment - Zoning
6. Parking Commission

The Department of Public Welfare consists of the Parks and Playgrounds, Parks and Recreation, Library, Band, Cemetery, the City-

County Planning, and City-County Health Unit. These agencies are assisted by the following citizen boards:

1. Board of Community Recreation
2. Library Board
3. Band Board
4. Cemetery Board
5. City-County Planning Board
6. City-County Health Board⁷

Observations and Conclusions

The city manager form of government provides for professional administration of city affairs. The day-to-day business of the city is taken out of the hands of the elected officials, leaving them free to be the policy makers. This form of government provides for strong leadership and efficient management of government affairs. In a citizens survey conducted in May, 1975, of 411 citizens selected at random, 74% rated Bozeman's city government as good or adequate. Given the choice of what form of government they preferred, 49% chose the city manager form. The next most popular form was that of elected executive (mayor-council), but it was preferred by only 18%. The response to other questions on the questionnaire indicated that Bozeman residents generally support the city manager form of government.⁸

Some questions on the survey revealed dissatisfaction with Bozeman's city government. Citizens were asked to rate the ability of local government to listen to their opinions. Twenty-one percent thought it was good, 32% adequate, but 43% thought it needed improvement. Fifty-six percent, when asked, agreed that "if officials would listen to the people's opinions more often, we would have a lot better government in Bozeman". Only 15.6% disagreed and 27% were neutral. People basically support efficiency, but they would like the government to be more responsive and more representative.

The method of selecting the mayor has been questioned.⁹ Though the powers of the mayor are the same as those of the commissioners, additional time is demanded of him for his position. Some think it would be more logical to select a person who was interested in performing the added duties of mayor rather than depending on the person receiving the most votes.

Boards and commissions provide for some citizen control of policy direction in local government. This contribution is limited to the jurisdiction of each board. Selections for these positions are made by choosing from people who are interested in the activities of various boards. Little effort is made to advertise the positions to the public when they become open. This limits the representation of the boards and commissions.

3.3 SERVICE DELIVERY STRUCTURE

Functions and services provided by the city include:

1. Financial administration.
2. Record keeping.
3. City elections.

Public Safety and Judicial

1. Police protection.
2. Fire protection.
3. Judicial.
4. City attorney.
5. Inspection - zoning and building codes administered and enforced.

Service

1. Street maintenance - storm sewers
street lighting
2. Water and sanitary sewers.
3. Sanitation-disposal of solid waste.
4. Sewage Disposal.

Public Welfare

1. Parks.
2. Library.
3. Band.
4. Cemetery.

City-County Services

1. Recreation.
2. Health.
3. Planning.
4. City-County Detective team.

Observations and Conclusions

All department heads were interviewed by the study commission. They were asked what their duties, budgets, and working relationships with other city and county departments were. They were also asked whether the present form of government allowed them to carry out their functions and what changes they would recommend to increase their ability to provide better service.

Minor recommendations for change were made. A few people suggested that the study commission look at the possibility for city-county cooperation or consolidation in several areas. No one suggested that the form of government be changed. Many department heads thought that they could improve service to the public if they had more personnel and larger budgets. Most felt that they were managing to deliver service as best as they were able while they were handicapped by limited budgets and rising costs.

Citizens were asked in a survey to evaluate local services. The service rated least effective was street maintenance, although there was some variation in ratings of other service, street maintenance was most consistently rated low.

The Street Department head is aware of the criticism of citizens. He is concerned that few people appreciate the problems of street repair in winter and the adverse soil conditions of Bozeman for street construction.

Services designated by more than 25% of the citizens surveyed as needing improvement were: streets (77%), snow removal (47%), and the library (28%).

In order to focus citizens' attention on services and to discover importance of improvement of those services, people were

asked the following: "If you were in charge of Bozeman's city government and had the power to take funds from one service area and redirect them to another, from which area would you take them and into which area would you redirect them?" Only 25% had any idea where they would take the funds. Fifty-three percent were willing to suggest where they would redirect funds. Of the 25% who would take funds from one source, most (38 out of 102) would take funds from Parks and Recreation. Of the 53% who suggested redirection of funds, most (85 out of 180) would give additional funds to street maintenance.⁸

The survey indicated that there was little dissatisfaction with city services except for street maintenance and snow removal. The survey also revealed that there were no sectional differences within Bozeman in citizens attitudes towards provision of services by city government.

3.4 REVENUE, EXPENDITURE, AND DEBT

Revenue for the operation of local government is based on the city tax levy. Income of \$16,555 per mill levied supported the budget for Fiscal Year 1975-76. The total tax levy was 76.7 mills. Sixty-five mills were set as the all purpose levy to fund operations of the general city government. Additional millages were levied as follows: 1.7 mills for Police Reserve Training; 2.5 mills for Health/Medical Insurance; 1.5 mills for special Public Safety; 1.0 mills for Liability Insurance; 4.5 mills for Debt Service, General Obligation Issues; and 0.5 mills for Special Improvement District Revolving Fund. Total Tax supported funds for this fiscal year are \$2,311,132.7

State Statute limits the all purpose levy to 65 mills for municipalities. Special additional levies are also allowed, such as those listed above.

In 1970, each mill levied raised \$10,750. By 1975, it had increased to \$16,555. The number of mills levied has also increased. In 1970, 56.6 mills were levied, and by 1975, that had increased to 76.7 mills.

Major capital improvements are financed by other sources of income. In some cases assistance is available from the Federal Government (revenue sharing, grants, etc). In other cases general obligation bonds and revenue bonds for Special Improvement Districts are sold.

State statute limits the indebtedness a municipality can acquire to 5% of the total assessed valuation of the city for General Obligation Bonds and 10% of the total assessed valuation for Revenue Bonds. There is no limit on indebtedness for Special Improvement Districts. In 1975, the assessed valuation for the city of Bozeman was \$61,644,534. Total debt from General Obligation Bonds and Revenue Bonds is \$4,720,000, which is less than the \$9,246,681 maximum allowed.

Observations and Conclusions

Growth and development of Bozeman and the surrounding area has resulted in increasing property values, indicated by the increasing revenue obtained from the mill levy. To date, income derived from the mill levy has been adequate to finance operations of city government. The rate of increase of the value of the mill levy has not kept pace with the increase in local government operation expenditures. This is illustrated by the increase in the number of mills levied each year.

City Manager, Harold Fryslie, suggested that city government was entering its last years of comfort and prosperity. He reported that the fiscal condition of the city was deteriorating, and that a collision between costs and city revenue was no more than two years away. Requests for new programs, additional services, increases in the cost of supplies and labor for existing operations, and demands for increased wages have strained city finances. He concluded that the city must either find a way to reduce its personnel or services or be able to increase its revenues.¹⁰ Adoption of self government powers would allow more flexibility in dealing with this situation.

3.5 POWERS AND AUTHORITY OF PRESENT GOVERNMENT

Municipal government does many things. The main function of local government is provision of services which vary from protecting life and property of citizens by police and fire departments, to maintaining streets and parks; supporting the welfare of citizens with clean water, solid waste disposal, orderly community growth, recreational facilities, and reading materials from the public library.

The Bozeman City Commission can:

1. Create special improvement districts;
2. Adopt zoning regulations;
3. Adopt a budget;
4. Hold public hearings on various proposed actions (see 1-3);
5. Proclaim special occasions (ie. Library Week);
6. Issue a call for bids on equipment and/or projects;
7. Issue gambling, beer, and wine licenses;
8. Hire the city manager, clerk of commission, and police judge;
9. Appoint citizens to advisory boards and commissions;

This list represents some of the duties of the city commission. In summary, the commission constitutes the governing body with the power to create, establish, abolish, and organize offices and fix the salary and compensation of all officers and employees, with some exceptions. It can make and enforce local sanitary, police, and other regulations; pass such ordinances as may be expedient for maintaining and promoting peace, good government and welfare of the municipality; for the performance of all the functions thereof, and to carry out and put into effect all the powers by ordinances, resolutions, or orders that now are or hereafter may be granted to municipalities by the constitution of laws of the State of Montana.⁶

Observations and Conclusions

Municipal government currently operates with powers limited by the "Dillon Rule". This means that if there is any doubt about whether the city commission has the authority to do something, that authority is denied. Bozeman's city commission can do only those things that the State Legislature authorizes it to do.

The State Legislature grants authority to local government to provide services. For instance there is a state statute which allows local government to license dogs. The government of Bozeman can license dogs, and the commission has the freedom to do it the way it thinks best. It could not license dogs at all, however, if it had not first been given the authority by the State Legislature.

The list of activities given above describes some of the many things the city commission does. All are allowed by state statute. Without a specific grant of authority, the commission would either not act, or would seek permission from the state legislature to do what was needed.

City attorney, Ben Berg, recalled a time when citizens wanted to build a municipal swimming pool in conjunction with the school district. It could not be done because it was not allowed. Mr. Berg then proposed a bill that would allow the city to enter into an interlocal agreement with the school district to build a pool. The bill was passed and a pool has since been built. Mr. Berg suggested that self government powers would allow the city to do some long range planning without interference from the state.¹¹

City manager, Harold Fryslie, has cautioned that the city of Bozeman cannot be autonomous. It is a creature of the state. There should be a state-local partnership. The partnership should be that of co-equal partners, an adult-adult relationship rather than parent-child as it is now. Mr. Fryslie concluded that we have nothing to lose and everything to gain by establishing such a relationship.¹¹

Operation of city government under the Dillon Rule has moderated and guided the activity of government in the past. More rapid growth of Bozeman and the surrounding area has created more pressure on local government to respond. More services are being demanded. If these demands are to be met, additional sources of income will be needed. If local government continues subject to the Dillon Rule, it will need to depend on the legislature for grants of authority to do what is needed if that authority is not now provided. With the legislature meeting every two years, some delay may be experienced in getting needed action.

Some relief will be given to local governments by the new constitution, even if local government continues without self government powers.

Under the new constitution, the powers of local government have been significantly changed. The new constitution provides for a dual level system of local government powers. The first

level is general government powers and is similar to present local government powers. A local government unit with general government powers will still rely on the legislature for grants of authority to act in specific areas. There are, however, significant differences even at this level. Grants of power to local units are to be liberally, rather than narrowly, construed, ie. courts interpreting the law must give preference to the local government's right to exercise a power.¹²

Adoption of self government powers will foster the development of an adult-adult relationship with the state rather than the present parent-child relationship.

3.6 DEGREE OF PUBLIC PARTICIPATION

Public participation in local government can be measured in several ways. Attendance at city commission meetings and hearings; attendance at meetings of advisory boards and commissions; the interest of citizens in running for the city commission and in serving on citizen boards and commissions; and voter turnout for city elections indicate citizen concern.

Attendance varies at city commission meetings depending on the business being considered. The same observation can be made about advisory board and commission meetings. Voter turnout for city commission elections has varied from 20-30% of the electorate.

Citizens were asked questions about local government to determine their general knowledge and interest in it. Sixty-eight percent knew the name of the city manager. Only 39% knew how many city commissioners there were. When asked whether they had ever attended a city commission meeting or a public hearing 32% said they had. Thirty-three percent said they had contacted a city official because they had been upset with a particular action of city government. When asked to evaluate the statement: "A good many local elections aren't important enough to bother with," 80% disagreed.⁸

Observations and Conclusions

The commission manager form of government limits formal citizen participation to those persons who are elected as commissioners or who serve on advisory boards or commissions. The businesslike organization of this form of government depends upon a short ballot (few elected officials) and capable executive leadership.

Because of the businesslike efficient nature of the commission manager form, citizens sometimes feel that they are not listened to. This was indicated by response to questions on the citizen questionnaire. Citizens were asked in two different ways whether government would function better if officials listened to citizen opinion more. In one case, 43% agreed, in the other case, 56% agreed.

Interest in local government can be evaluated more accurately by actual voter turnout than by what citizens said about the importance of local elections on the questionnaire.

Voter turnout in Bozeman has traditionally been low, usually less than 30% for local elections. This is characteristic for cities with the commission manager form of government.¹³

More citizen interest and participation in local government would be desirable. It might be stimulated by election of commissioners from districts, separate election of the mayor, the establishment of community councils and by self government powers. Broadened participation on appointive advisory boards and commissions might occur if more effort were given to bringing openings to the attention of citizens.

SECTION 4 DESCRIPTION OF PROPOSED FORM OF GOVERNMENT AND REASONS FOR THE PROPOSED CHANGES

The city of Bozeman has operated under a commission-manager form of government for many years.

The Montana commission-manager law (Section 47A-3-204 RCM, 1947) provides that an appointed manager is the chief administrative officer of a local government. It leaves no doubt that this person is in charge of running the county or municipality on a daily basis. The manager, accordingly, is empowered to administer local governmental affairs; direct and supervise all departments and agencies; prepare and execute the budget; appoint, suspend, remove, and be responsible for all employees, and prepare the commission agenda.

The commission under this form of government, however, is clearly in "the driver's seat" in terms of being responsible for the government's policies and direction. The commission is an elected ordinance-making body and the depository of all the county's or municipality's powers. Commissioners appoint the manager on the basis of merit for an indefinite term and can dismiss the manager with a majority vote. The basic rationale of the form, however, is strict separation between policy-making and administrative functions.

The alternative proposal made by the Study Commission must offer some change from the existing form of government. The change may be quite different from what exists or it may be very slight.

The Bozeman Study Commission on Local Government is recommending a charter which describes the commission-manager form of government with self government powers as the alternative form for the city of Bozeman

The new constitution provides that local governments can choose to write a charter. A charter is a legal document which defines the structure, organization and powers of the local government. Any local unit of government writing and adopting a charter is granted self government powers and may exercise any power not prohibited by the constitution, state law or local charter.

Under the 1972 State Constitution, the potential power and authority of city government has changed significantly. Traditionally and legally, the power over governmental concerns of cities has been the prerogative of the state legislature which decided what city government should do and how it should be done. Cities have operated under what is known as general powers.

Adoption of self government powers would change the traditional relationship between the city and the state. Certain areas of control would be transferred from the state legislature to the cities. Many decisions that are now made on a state wide basis by the legislature could be made by city government.

State wide uniformity would still be mandated in certain areas. The details as to how much control over uniformity will be maintained by the state, will be determined by the 1977 legislature. Self government powers would mean greater power and responsibility for city government in dealing with problems and the wishes of local citizens.

All local governments will have General Government Powers unless they adopt a charter or an alternative form which specifies that they shall have self government powers.

Because a local government adopting SELF GOVERNMENT POWERS will be free of all restraints not specifically applicable to such units, the State Commission on Local Government has drafted proposed legislation to limit certain powers which could otherwise be exercised by self government units. This proposed legislation sets out four categories of limitations. The first of these is powers denied. Within this category, local governments are denied the power to affect private-civil relationships, labor law, public schools, and certain determinations by State agencies.

The second category of limitations is powers which require delegation before they can be exercised by a self government unit. These include the power to exercise a judicial function, to impose a duty on another unit of local government and the exercise of extraterritorial powers. Perhaps the most controversial of powers requiring delegation is the power to levy any tax on income or the sale of goods or services.

The third category of limitations protects the jurisdiction of State agencies by prohibiting the local government from establishing standards less stringent than those established by the State in areas affirmatively subjected to State control. What this limitation means in practice is that a local government can not, for example, adopt health or safety standards which are lower than State standards; but a unit of local government can adopt, if local conditions require, standards which are higher.

The final category of limitations imposes certain duties which local units must carry out as agents of the State. Included are such items as the conduct of elections, record keeping, debt limitations, and accounting procedures.

Even with these limitations, local governments adopting SELF GOVERNMENT POWERS will have the freedom to determine their own internal structure including departments, boards, bureaus, and commissions; and to determine the type, level, and method of providing services such as roads, health services, fire and police protection, libraries, parks, water and sewer service, and solid waste disposal. Self government units will have the power to determine their rate of taxation, and type of taxes to be levied with certain exceptions. Thus, they could establish the property tax rate and utilize a number of other revenue sources such as payroll tax, license taxes of all sorts, franchise tax, severance tax, bulk receipts tax, and privilege taxes, but could not levy any sales or income tax without specific authorization from the legislature.

Enough questions were raised about the power of the city commission to determine the property tax rate to cause the Study Commission to write a charter limiting that power. This limit will allow the city commission to levy up to the amount provided by the legislature for general powers governments. It will also allow the local governing body to increase that limit if a majority of Bozeman voters approve such an increase in a city election. The mill levy limit is currently 65 mills for municipalities. If some future legislature increases it, the new limit will then apply to cities. If they do not increase it and an increase is needed for Bozeman, the city commission may propose an increase to the people. With a majority approval in an election, the mill levy limit may be changed.

Election of Commissioners

Bozeman city commissioners are currently elected at-large for 4 year overlapping terms, on a non partisan ballot. Three of the five commissioners are elected at one time and two are elected, two years later, at the regular city election.

The charter proposes that five commissioners continue to be elected on a non partisan basis, but that three commissioners be nominated from within districts apportioned by population and that two be nominated at-large. All candidates would be elected at-large. Those running from districts would be required to live in the district from which they are a candidate (Article II, Section 2.01, (5)). The two at-large positions designated as mayor and deputy mayor would be elected for four year terms at the special election on April 5, 1977. The three commissioners elected from districts would be elected for two year terms at that special election. In years following this special election, the commissioners would all be elected for four year terms at alternate regular city elections.

The special election on April 5, 1977 has been set by state law to facilitate the transition from one form of government to another. This special election will take place in all counties and all incorporated cities and towns in Montana. It will take place whether the voters approve the adoption of a proposed change or not.

Reasons for Proposed Change

The previously mentioned survey of local citizen opinion⁸ indicated some dissatisfaction with the apparent unwillingness of local government officials to listen to them. The Study Commission feels that the election of some of the commissioners by districts may cause those, so elected, to be more responsive to residents of their district. A recognized danger in this method of electing commissioners is that they may become overly responsive to the citizens of their area. This may result in less concern for issues that affect the whole city and may cause a lack of harmony among commissioners. Election of all commissioners by the total electorate of the city will reduce the likelihood that these situations will develop.

In the district or ward system, as commonly practiced, the candidates are not only nominated from districts, but they are also elected from within districts. The suboption does not propose this. It proposes that candidates be nominated from districts, but that they be elected at-large.

Election of Commission Chairman or Mayor

At the present time the city commissioner candidate receiving the highest number of votes at a regular city election serves as mayor during the last two years of his four year term.

The charter proposes that candidates run for the position of mayor. The person so elected would be the fifth member of the commission and would be a voting member. The candidates for mayor would be nominated from the city at-large and serve for four year terms. In the event that the mayor does not complete his term of office, the charter requires that the deputy mayor shall fill the vacancy until the time of next regular city election (Article II, Section 2.04 (7)). The charter states that the person elected to the at-large position, not designated as the mayor's position, shall serve as deputy mayor.

Reasons for Proposed Change

The responsibilities of the mayor involve chairing the city commission meetings and representing the city of Bozeman on various occasions. Since additional time and responsibility are required of the mayor, the Study Commission has concluded that election to the position should be separated from other commissioner positions. In the past, the chance that a person could be elected as mayor by simply receiving the largest number of votes has deterred people from running who were interested only in running for a commissioner position. Designating the position separately may encourage more people to run, as well as, more capable people to run for the office.

Suboption

Study Commissions are permitted to submit no more than three suboptions to the voters, in addition to the alternative form of government. If the alternative form is not approved by the voters, the suboptions will not pass. If the alternative is approved, the choice within each suboption receiving the most votes will pass.

One suboption is being submitted to the voters. It concerns the formation of community councils.

Community Councils

Community (or neighborhood) councils are a means of encouraging citizen participation in local government. They are also a means of providing a vehicle for the citizenry to discuss their needs, problems, and dissatisfactions with services being provided to them. Such community councils may be established by ordinance, but they have not been established in Bozeman.

The Bozeman Study Commission on Local Government is providing the citizens of Bozeman the opportunity to determine whether community councils shall be elected or whether it shall remain the prerogative of the city commission to establish such councils. The Community Councils are described in Article IV of the charter. If the suboption to establish community councils fails then Article IV will be deleted from the charter.

If a majority of the electorate vote to establish such councils, they shall be three in number and elected from the district within which they reside and elected as prescribed by ordinance. Each district shall be apportioned by population and each community council shall consist of at least three members, they shall exist for the purpose of advising commissioners. They shall not have authority for decision making and shall serve without pay.

Reasons for Proposed Change

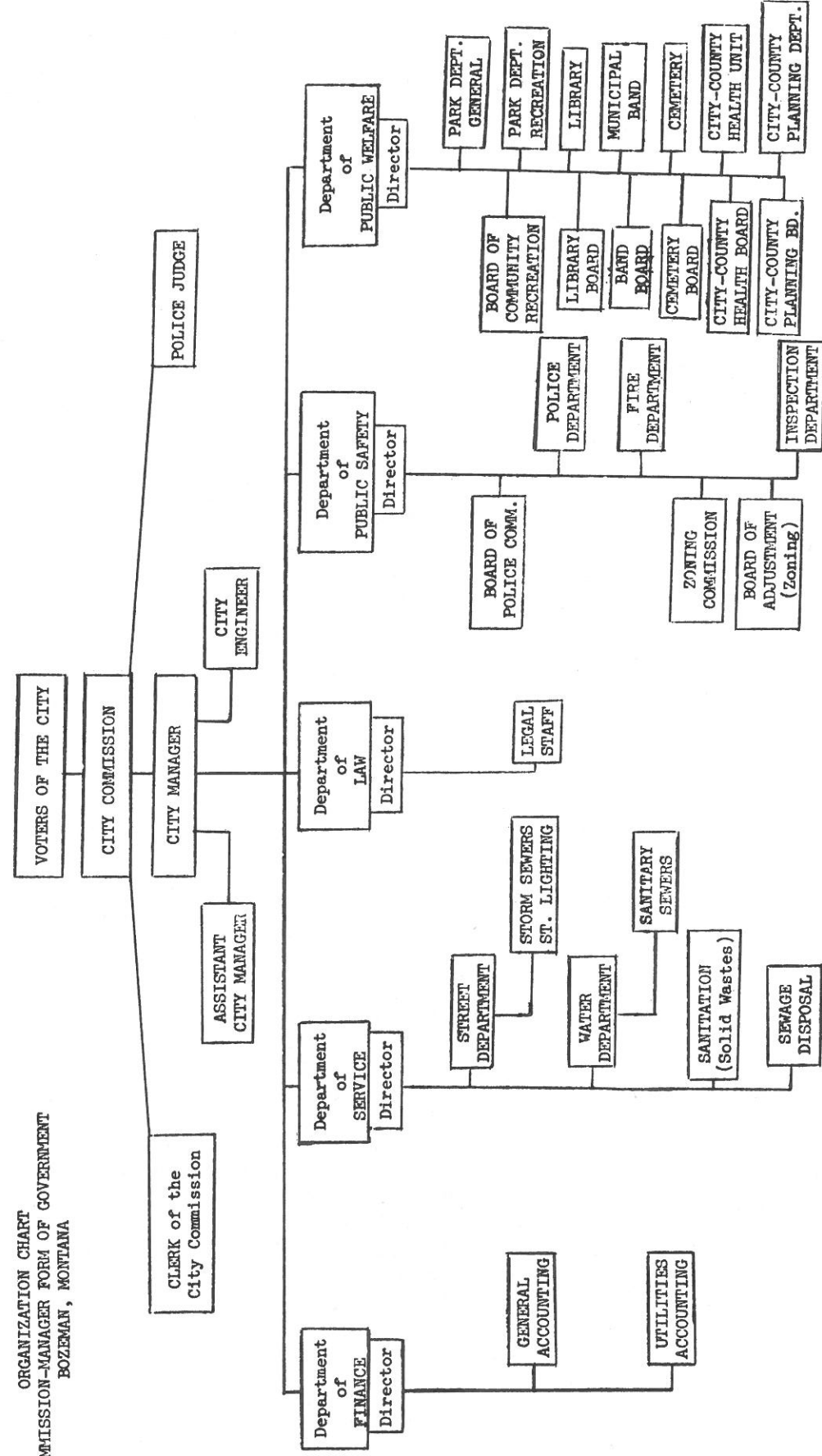
It has been previously mentioned in this report that a number of individuals testifying before the Local City Study Commission expressed a need for some vehicle through which they could better express themselves to city government officials. The Study Commission believes that community councils could provide an additional vehicle to serve this purpose. The Study Commission also believes that such councils can provide a vehicle for city government to communicate more effectively with the general public, resulting in a better understanding regarding decisions made in city hall. A better understanding between the public and city hall should result in greater satisfaction to those serving the public and to those being served.

The Study Commission believes that if the electorate votes to establish community councils, then these councils should, by ordinance, be directed to meet regularly according to a predetermined schedule. They should occasionally meet jointly with all community councils in the city, and all meetings should be advertised and open to the public.

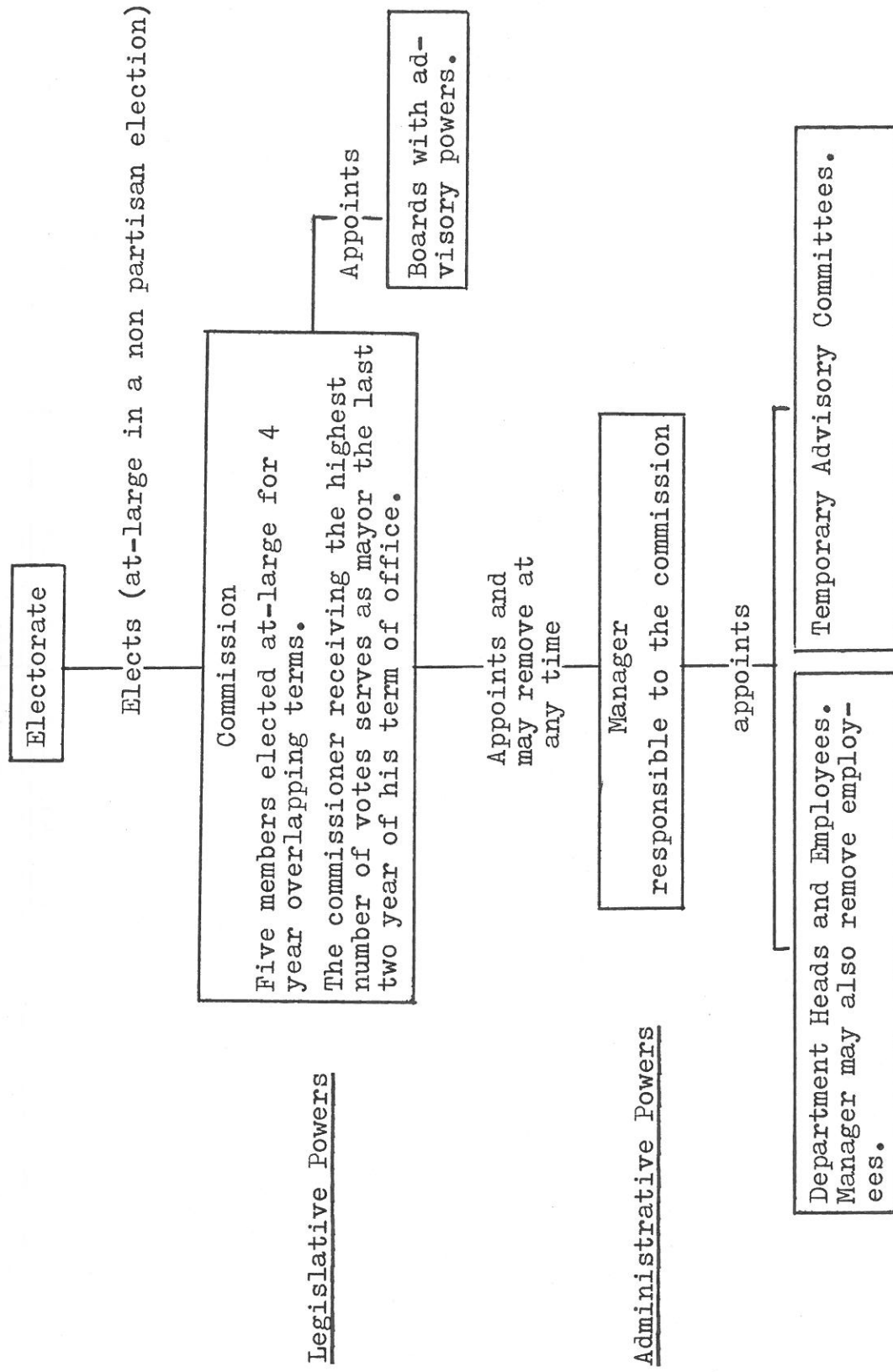
Charts

There are four charts on the following pages which describe the organization of the present and proposed forms of local government. The first chart is a detailed diagram listing the departments and advisory boards of the present commission manager form of government. Chart 2 generally describes the organization of the present form of government. Chart 3 is also a general outline, but of the proposed commission-manager form of government described by the charter. The last chart (4) compares certain key characteristics of the present form of government with key characteristics of the proposed form.

ORGANIZATION CHART
COMMISSION-MANAGER FORM OF GOVERNMENT
BOZEMAN, MONTANA



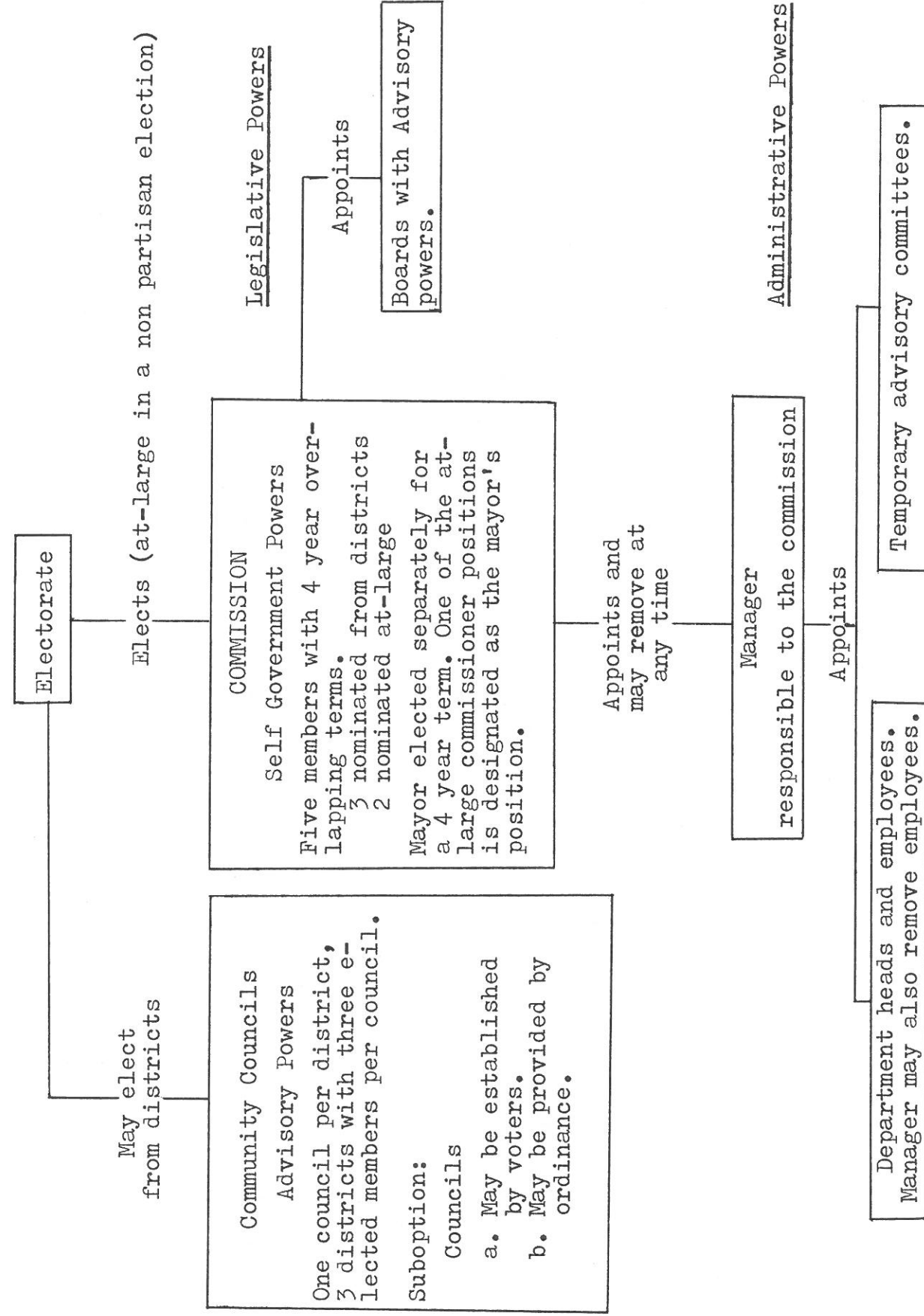
ORGANIZATIONAL CHART
PRESENT COMMISSION - MANAGER FORM



Legislative Powers

Administrative Powers

ORGANIZATIONAL CHART
PROPOSED FORM OF GOVERNMENT



COMPARISON
OF THE PRESENT FORM OF GOVT.
TO THE PROPOSED FORM OF GOVT.

	Present Form of Govt.	Proposed Form of Govt.	Comments
FORM	Commission manager: An appointed manager is hired by an elected commission to administer the affairs of the city.	Charter: Commission manager form of government is described in the charter.	The administration of the city is placed in the hands of an executive who is hired on the basis of merit.
POWERS	General Govt. Powers: Local government may do what state law allows it to do.	Self Government Powers: Local government shall exercise any powers which are not denied by the constitution, state law or local charter.	Self government powers will allow the city the right to act in its own best interest, giving more flexibility to respond to local situations rather than depending on the state legislature for guidance.
GOVERNING BODY size:	Five commissioners are elected at-large.	3 commissioners nominated by district but elected at-large. 2 commissioners nominated and elected at-large.	District representation will allow viewpoints from each section of the city. Two commissioners will offer city wide perspective.
term of office:	Commissioners serve 4 year overlapping terms.	Term of office the same.	
PRESIDING OFFICER	Commissioner receiving most votes serves as mayor last two years of his 4 year term.	Mayor elected separately for a 4 year term. One of the at-large commissioner positions is designated as the mayor's position.	The responsibilities of the mayor are greater than those of the other commissioners. Separate election allows those who are interested in seeking this position to compete for it.

COMPARISON
OF THE PRESENT FORM OF GOVT.
TO THE PROPOSED FORM OF GOVT.

	Present Form of Govt.	Proposed Form of Govt.	Comments
CHIEF ADMINISTRATIVE OFFICER	City Manager: Directs and supervises the administration of all city departments.	Same	The manager coordinates the administration of city business. Lines of authority and responsibility are clear.
CITIZEN PARTICIPATION community councils:	None	Suboption to be submitted to the voters: Provides for community councils of three members who are elected from each of three districts within the city.	Community councils whose members serve without pay advise the city commission members elected from districts. Citizens may express their opinions to the councils who relay the information to the city commission.

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APPENDIX A