



# PRELIMINARY REPORT

and proposed alternative form of government

CITY OF HAVRE LOCAL GOVERNMENT STUDY COMMISSION

Havre, Montana

April 15, 1976

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## HAVRE LOCAL GOVERNMENT STUDY COMMISSION

*A.R. Hagerer, Chairman    Lee McCartney    Charles Callus*

## CITIZENS OF HAVRE, MONTANA

Ladies and Gentlemen:

In compliance with the directives of the 1972 Constitution a study commission composed of three members was elected in November, 1974 to study or review the government and operation of the City of Havre and compare them to other forms available under the laws of the state of Montana.

After a thorough study of both the present and alternative forms, the commission was further directed to submit to the vote of the qualified electors of the city of Havre by November 2, 1976, an alternative form of city government that "differs in some way from the existing form."

The 1975 legislature adopted guidelines and procedures for this voter review of local government, for drafting self-government home-rule charters, enacted six basic forms of government, established limitations on self-government powers and limitations on kinds of taxes for city-county consolidated governments, and a new system of local government powers as authorized by the 1972 Constitution.

These laws, for the first time in Montana history, provided the means by which local governments could select a form of government most suitable to them and their circumstances, to make it more responsive to local conditions, and to exert more control over their development.

The City of Havre study commission studied the present form of government in detail. Information was sought from a variety of sources: all administrative officials, heads of departments and heads of major, active boards were interviewed; past employees and officials were contacted; talks were made to a variety of groups and a public opinion survey conducted; several public hearings were held, officials in other communities with similar situations were interviewed, workshops were attended, and legislative hearings observed. A radio broadcast provided the opportunity for citizens to call in questions and comments. All meetings were open to the public. Study commissioners made every effort to be available for citizen input and comment.

The recommendations included within this report reflect a knowledge of the history of the city, the attitudes and opinions of the above-mentioned groups, comparisons with other communities and the independent study of the individual commission members.

In this initial review of local government we present our recommendation for an alternative form of government which we feel could provide greater economy and efficiency, be more responsive to our present, rapidly-expanding community and allow for future growth and development.

The submission of this alternative form of government is in no way to be considered a total condemnation of the present form of government or the present administration. The present form has functioned reasonably successfully for 82 years. It could continue to function. It does, however, have some weaknesses. The local government review process has provided an opportunity never possible before, to examine the present form and alternative forms, to compare strengths and weaknesses, and suggest possible improvements. There are no guarantees that ANY form of government will solve all problems in all times and situations. The success of any form of government is dependent to a large extent upon the quality of its leadership.

Study commissioners would consider themselves remiss in their duties, however, if they did not suggest an alternative that appeared to offer solutions to present problems. The final choice is up to you--and me citizens of this community.

Whatever the outcome, many benefits will be derived from this



first examination of government. Many a thought and process will be set in motion. Some will have far-reaching effects on local government operation.

The question for the adoption of this alternative form will be submitted to your vote on a ballot November 2, 1976. We of the Havre Local Government Study Commission would hope that you concur with our judgement in the selection of the recommended form of government.

Respectfully submitted,  
A. R. Hagener, Chairman  
Lee McCartney  
Charles Gallus

## SUMMARY OF RECOMMENDATIONS

The Havre Local Government Study Commission, having thoroughly studied our present form of city government and the alternative forms of government available to cities under state law, and having studied the future governmental needs of this city, recommends the following:

1. The City of Havre should adopt, effective May 2, 1977, the commission-manager form of government. A commission or elected body, of five (5) members shall be elected from districts in which they reside and which are apportioned by population. They shall be elected for terms of four (4) years. Terms shall be overlapping. Election shall be partisan, as provided by law.
2. The question of the adoption of general powers or self-government powers shall be submitted to the voters of the city as an option under the proposed form of government as authorized in Part 3, Chapter 2, Title 47A, Revised Codes of Montana.
3. The question of the form of government and sub-option shall be submitted to the voters of the City of Havre on November 2, 1976, in the following form:

## KEY PROVISIONS OF PROPOSED FORM

Separation of administrative and legislative (policy-making) functions The present form of government provides for no clear delineation of administrative and policy-making function between the mayor and the council. Whenever lines of authority are blurred, misunderstandings easily occur, accountability and responsibility are more difficult, delays are inevitable, and time and effort may be duplicated. Separations of these functions, along with a clear definition of powers and duties, suggest a sensible and practical solution to problems of the present form.

In the commission-manager form of government the administrative head of government and his duties are clearly defined by law. The elected commission, representative of the public, sets qualifications for the position of manager, screens applicants, and exerts control over terms of employment. The manager is not under contract and serves at the pleasure of the commission. He or she may be replaced at any time.

The major function of the commission is legislative or policy-making. The commission, consisting of five persons elected from the districts in which they reside, composes the legislative body. As such they can devote time and expertise to policy-making decisions and functions much in the same manner as an executive board in the business world sets policy, leaving the administrative details to the manager. Four-year, overlapping terms of office would provide for continuity.

A commission of five members provides a working body large enough to insure adequate representation and small enough to

be efficient. Additional representation could be provided through the creation of Citizens Councils as established by ordinance. Assorted boards and committees would continue to function in an advisory capacity.

The choice of general or self-government powers is offered as an option only under the proposed alternative form of government.

The adoption of self-government powers would significantly alter the traditional relationship between the state and the city. Certain areas of control would be transferred from the state legislature to the city commission. Many decisions that are now made by the legislature could be made on the local level. Self-government powers could mean greater flexibility in shaping our governmental structure, greater power to solve our own problems and much greater responsibility to deal with those problems. The decision to assume that greater responsibility of self-government and self-determination is left to the choice of the voters.

Self-government powers seem desirable to adopt at the present time. However, many important powers are already denied local governments. The legislature retains the power to alter or remove any additional powers at any subsequent meetings of the legislature. Current legislation under the new constitution states that general powers will be liberally construed to allow greater flexibility to local governments in handling their own affairs. The study commission recognizes that this may be the only opportunity to achieve a maximum of self-government powers. The issue of assuming greater responsibility is the major one here and it is left to the voter to decide.

## FINDINGS OF THE STUDY COMMISSION

After an intensive study of almost two years, it is the decision of the Havre Local Government Study Commission to recommend some changes in the structure and power of the city government. We believe these changes will provide a means to better meet the present and future needs of the citizens of Havre.

The present form of government, though effective for many years, lacks the authority and control it needs to respond to rapid changes and pressures, handle increasingly complex matters of governmental management, and encourage economy, efficiency and greater cooperation in operation.

The City of Havre was incorporated in November of 1893. City fathers wrote their own "charter" for the operation, but since independent choice of government structure was denied by state law, it was discarded. The form of government chosen at that time was the mayor-alderman (commission-executive) form. This form has subsequently been in operation in the city for 83 years. The fact that it has functioned reasonably successfully throughout these years is a credit to the citizens of Havre in having selected capable and concerned leadership. Once during that period of time a crisis arose in city government causing the removal of the mayor and an impasse in the operation of government. Development in the city suffered from this crisis and impasse. It took years to recover.

On three different and widely separated occasions reform proposals suggesting the city manager form of government were seriously introduced though none were presented for official public vote.

The powers of the traditional form of government were vested in the state government and its duties described by it. It allowed no autonomy of action and little adaptability to local conditions or needs. Frequently, costly and difficult regulations were, and still are, imposed upon city governments with little opportunity for protest and no consideration for additional revenues or authority necessary to implement such regulations.



As the city grew in size from a population of less than 1,000 at the time of incorporation in 1893 to 10,558 as described in the 1970 census, and an estimated 14,165 by a recent Chamber of Commerce survey the services demanded of the city also changed. The major concerns of the initial government in 1893 were law enforcement, fire protection, and an orderly system of growth. Administration of government required a minimum of time, a minimum of equipment and paid employees. It required an interest in government rather than professional expertise.

Present demands on city government have not only increased but become infinitely more complex and diverse. In addition to law enforcement, fire protection, and an orderly system of growth, the present city government services include: traffic control; streets and sidewalks; parking; water-supply, purification and delivery; sewer-maintenance and collection system, and secondary treatment plant; building, plumbing, electrical codes, permits and inspection; planning and zoning; special improvement districts; health and safety regulations; ambulance service; parks and recreation--pool, ball parks, tennis courts, skating rinks, playgrounds and activities; flood control and Bullhook channel maintenance; library; cooperative airport; bookkeeping, finance, investments, insurance, bids, records, grants, maps and plats; taxation; maintenance of equipment, enforcement of laws and ordinances; detention; garbage collection, disposal and land-fill dump; social service and civic-involvement programs. City employees now number 85, not including council members. Present equipment and buildings are valued at several million dollars.

The budget of the initial government was non-existent. The city budget in 1966 was \$954,000. and in 1975 the budget had doubled. In the last ten years the city has had several major projects, including construction of a new city hall, swimming pool, sewage disposal facilities, water distribution expansion, and fire equipment purchase. In short, city government, even for a town the size of Havre, has become so complex that professional experience and background seem desirable and full-time dedication to the job of administration a requirement. Future growth patterns suggest a sizable increase in population in the city, necessitating immediate and greater demands on city government and services. City government must be able to respond to these demands.

The mayor-council (alderman) form of government as described in state law implied that the mayor would be the administrative head of the government, but gave the office little actual power. Denied the power to hire or fire, influence the budget, or take any direct action on his own, the mayor's ability to act as an effective administrator was limited. The authority of the office was further diluted by the division of administrative duties and decisions handled by the council and assorted semi-policy making boards and committees.

The effectiveness of the mayor's office in past history varied with the personality of each mayor and council. Some mayors dominated the council, some sought refuge in the relaying of decisions through the council. Others were frustrated by the delays involved and the lack of authority to correct or deal with urgent pressures and situations. Frequently the effectiveness of the mayor was limited to the initial changes made when assuming office. Even the supposed "power of appointment" had to meet with council approval. Though the mayor was endowed with veto power, a study of past history reveals that it was rarely ever used.

When it was, it served to alienate the council and produce further delays and difficulties in operation.

The incorporation of the City of Havre took place in the midst of a national depression, yet the community grew and prospered as a business, transportation, and trading center. Later the city became known as an agricultural center and health and education center for the surrounding areas, but it remained business-oriented.

A form of government originally patterned after business operation has therefore always had some appeal.

## SUMMARY OF FINDINGS

Havre study commissioners felt that city government and operation represented a major business endeavor on behalf of, and in the service of, its citizens. They felt it needed:

1. a qualified, full-time administrator endowed with sufficient power to accomplish efficiency and economy in operation, and
2. a balancing, strong, policy-making body representative of the community, to establish and continue policies for operation.

Separation of the administrative day-to-day operations, as assigned to the manager, from the over-all legislative and policy duties of the commission, seemed advisable to permit greater strength in each area. The commission, free of administrative detail, would have more time to deal with matters of policy and development; while the manager, with prior background and experience, would be prepared to devote full time to administrative detail.

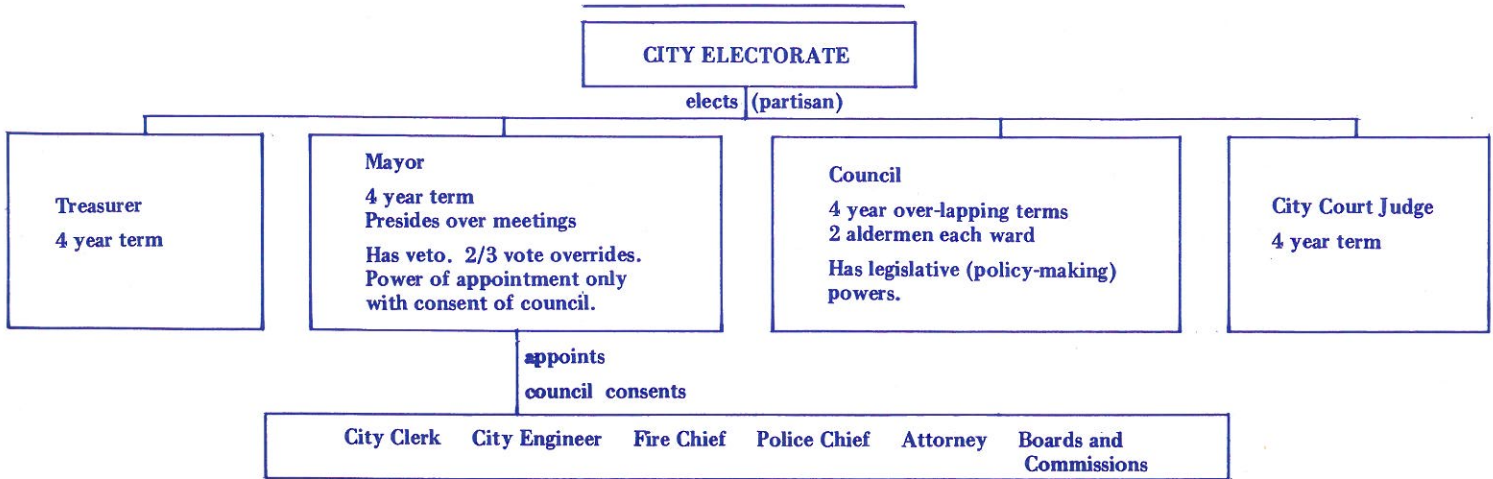
Only the commission-manager form establishes qualifications and conditions of employment for the administrator. Only this form seems to draw the lines of responsibility more clearly.

Only the commission-manager form of government seems to offer a viable or improved alternative to the present form.

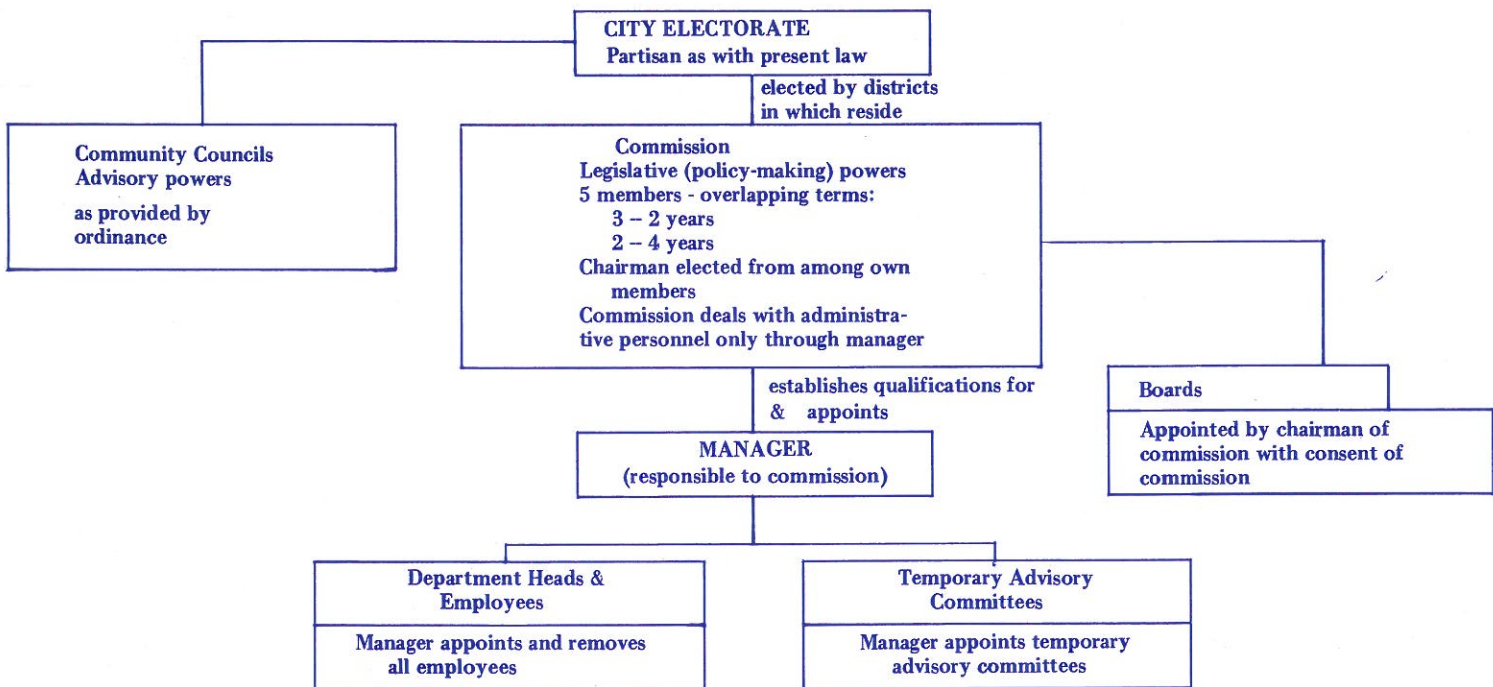




## Existing Mayor – Council Form



## Commission-Manager Alternative Form



### COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM (see chart page)

Description of general characteristics:

#### EXISTING FORM

The existing form of government as established in Havre in 1893 is familiarly called the mayor-council form. In order to provide some consistency in the function and description of government structure, it is also called the commission-executive form. It is basically the same government structure as provided by the 1889 state constitution. It permits city government to function as outlined by the legislature and only with its permission and under its regulations. Powers allowed the city were referred to as "general powers." In the past, city governments had minimal authority to deal with local problems and situations. No self-government powers were available.

The 1972 state constitution states that general powers are to be liberally interpreted to allow greater autonomy in handling local situations. Self-government powers, offered as an option under the proposed plan, would offer city governments authority to do anything not already (or subsequently) denied by state law.

#### Governing body:

The governing body under the present form is the council, or commission, composed of eight aldermen (councilmen) or commissioners, elected from within four wards in which the councilman resides. They serve for four years with overlapping terms. Elections in the city have all past years been under the legal provision for partisan elections. The law, however, allows for the omission of the primary if there are no partisan candidates filing. The primary election under this partisan clause has seldom been used in the City of Havre. Assuming that the law will not change, it permits the electorate a choice should they wish to use it.



## Comparison and Description of Characteristics

CHARACTERISTICS Form of Government	PRESENT FORM: Mayor-Council	PROPOSED FORM: Commission-Manager	COMMENTS
Powers	General Government Powers: State law defines what govt. may do & specifically how it shall do it. Traditionally limited responsiveness of local situation.	General Government or Self Government.* Legislative (policy-making) power vested in Council. *To be determined by vote.	Option to be decided by vote. General government powers to be liberally interpreted. Self Government would permit city to do anything not denied by state law.
Governing Body Size  Election  Term  Duties  Presiding Officer Duties	Council (Commission) 8 aldermen nominated by district, 2 from each ward.  4 year overlapping terms  Policy-making body involved in administration.  Mayor-elected separately from council.  Preside over meetings, vote if tie. Appoint boards & committees with consent of council. Illusion of administrative power.	Commission 5 member Commission, elected in district in which reside.  Partisan  4 year overlapping terms: 3 for 2 years 2 for 4 years  Legislative. Sets qualifications for mgr. and hires. Sets policy for mgr. & city operation.  Chairman elected from own members.  Preside over meetings, active member of commission, appoints bds. with consent of com. No administrative duties.	Election from districts assures representation from all areas of city.  Present law states partisan election except if no candidate files for primary. Offers choice. No change.  Clear division of administrative & legislative functions prevents confusion of overlapping authority. Frees commission from administrative duties. Allows it to concentrate on policy-making role.
Chief Administrative Officer	Supposedly mayor, but has little authority. Often shared by council & semi-policy-making boards & committees.	Manager—directs & supervises the administration of all departments.	Clear lines of authority & responsibility make for more effective administration.
Appointment Powers	Mayor with consent of council.	Commission sets qualifications & hires or fires city manager. Manager appoints or removes all department heads & employees, appoints temporary advisory committees.	Department heads appointed on basis of qualifications, responsible to manager. Members of boards continue to be appointed by mayor-chairman with consent of commission.
Budget Preparation	Mayor & City Clerk prepare. Modified and/or approved by Council.	Manager prepares. Commission modified and/or approves.	Manager can balance priorities set by Commission with available resources, also balance of needs of individual depts. with overall needs & resources of city. Possibility of greater economy.
Other Elected Officials Treasurer City Court Judge	Elected Elected	Appointment To be determined/state law.	For city judge, present procedure continues until legislature provides change.
Citizen Participation  Community Councils	Represented through elected alderman/council—assorted boards & committees.  None	Represented through elected commissioners, advisory boards.  Possible to provide by ordinance.	Should encourage greater involvement by providing structure for participation.
Function of Boards and Commissions	Sometimes semi-policy-making.	Advisory function. May be assigned duties and authority.	
Service Delivery Structure	Performed by appointed department heads, appointed boards & committees.	All service delivery structure brought under supervision of mgr. as administrator & Commission as policy-making body.	Boards, commissions, & agencies still function, but in advisory capacity—except when assigned specific authority.



### Duties of governing body:

Under the present form of government the council is the legislative or policy-making body. It is also involved in administrative function since the mayor has little power to act without consent of the council. With such multiple duties and obligations, the council can be overburdened with responsibility.

### Presiding officer:

The presiding officer in the mayor-council form of government is the mayor. He is elected separately from the council (commissioners) and at large, for a four year term. He presides over council meetings, casting a vote to break a tie. He has veto power which may be overridden by a 2/3 vote of the council. Past history reveals that the veto was used only in one administration. Its use then was ineffective and divisive. Since the mayor has limited power to act without the consent of the council, delays are inevitable and effectiveness as an administrator is significantly reduced.

### Chief Administrative officer:

The chief administrative officer under the present form of government is supposedly the mayor. As explained above, the office is granted little actual authority. Powers are often shared with the council and also semi-policy-making boards and committees. There are no qualifications for the office and nothing to require full-time devotion to the job or duties.

### Appointment powers:

The mayor has the power of appointment but with the consent of the council. All department heads and some boards or committee members are appointed by the mayor. Some conditions or requirements for appointment may restrict the appointment powers.

Some boards have additional members appointed by some other agency, i.e., county commissioners, school board. Members of the following boards are appointed by the mayor/council: library, police commission, zoning board of adjustments, health, board of electrical examiners, electric appeals boards, plumbing board. Members of the following boards are appointed by the mayor/council as well as another agency: airport board (county), planning board (county), park and recreation board (school district), community action board. Appointment of representatives to assorted other groups is also handled by the mayor with the consent of the council.

### Budget Preparation:

Budget preparation is currently done by the mayor and city clerk in consultation with department heads. It is then presented to the council for modification and/or approval.

### Other elected officials:

In addition to the eight councilmen or commission members, the mayor, the treasurer, and city court judge (formerly called police judge) are elected by the citizens. Their salaries are established by ordinance, and each official is independent from the supervision of the mayor or council.

### Citizen participation:

Citizens achieve representation through their elected councilmen who serve on the council. Additional representation and some direct participation is possible via assorted boards and committees. Community councils as such have not been created under the present form of government. Temporary advisory councils have existed in the past, however.

### Function of boards and commissions:

The functions of boards and commissions under the present form of government vary considerably. Some have semi-policy-making

authority, some are strictly advisory, some are active boards with regular meeting schedules. Others meet only infrequently, as in the case of appeals boards. Some boards are required by law even though their function and service is rarely needed.

### Service delivery structure:

The actual delivery of services provided by the city is performed primarily through the departments. A few appointed boards or committees are also involved in service delivery.

## COMPARISON OF EXISTING FORM AND PROPOSED FORM

(see chart page)

### Description of general characteristics:

#### PROPOSED COMMISSION MANAGER FORM:

The proposed form of government was incorporated into Montana law early in the century. It is familiarly called the city-manager or commission-manager form. It is a reform type of government and has gained steadily in use. It, too, has undergone minimal change since its authorization into law. Three Montana cities currently have this form of government: Bozeman, Helena, and Great Falls.

In the past and operating under general powers, the manager form was also limited by the state government and was allowed little authority to handle its own problems. Current legislation describing general powers states that considerably more freedom will be granted to local governments in adjusting to their own local conditions.

Self-government powers, offered as an option under the proposed plan and for the first time in the State of Montana, would allow more power to the city to develop its own internal administrative structure, to restructure departments, boards, and committees, as well as adapt to local needs. This should encourage more citizen participation in government and more responsiveness and accountability. It would also involve considerably more responsibility. Though denied many important powers, the cities would have the power to determine the tax rate, thus having a means of financing needed services and improvements.

Under self-government powers the city would no longer be limited to a 65.-mill operational levy. The operational levy could be raised to meet actual costs and needs. Any such raise would have to be both explained and justified to the public. The state legislature retains the right to change the limitations of self-government powers at any session.

If general powers were to meet voter approval under the proposed form, only minor changes in the related powers of the city and state would occur. Should self-government powers be adopted, it would be possible for major changes to occur.

Cities could choose to remain with present structures or to make drastic changes. The choice of general or self-government powers is available only under the proposed plan.

### Governing body:

The governing body under the proposed form is the commission. It would be composed of five members, elected from districts in which they reside, and which are apportioned by population. Since present council members are also elected from districts in which they reside, little change is involved here. Districts are required by law to be reapportioned periodically. Reapportionment would most likely be done in the near future regardless of government-form proposals. Instead of eight councilmen from four wards under the present form of government, there would be a reduction in numbers of members from eight to five, but an increase in the number of wards, from four to five. Members would still be



representatives of the electing district. If additional representation were desired it could be accomplished by the establishment of elected community councils and defined by local ordinance.

Current legislation provides for partisan elections. Lacking partisan candidates preceding the primary filing deadline, no primary need be held. Primary elections have been held in Havre on very few occasions in the past. Since it still provides the electorate with a choice should they wish to use it, no change is proposed on this issue.

The term of office of commission members under both the present and proposed form is four years with overlapping terms. No change in term of office is involved here.

Under the present form of government the council/commission is involved in administration as well as legislative or policy-making functions. Under the proposed manager form of government these two functions are separated. The commission devotes its full time to establishing policies and procedures for the operation of the city. All administrative duties are assigned to the manager and are his or her exclusive responsibility. The manager is selected by the commission, must meet their qualifications, and is directly responsible to them. The manager selects department heads according to their qualifications. They in turn are directly responsible to the manager.

This separation of legislative and administrative function constitutes a major change in governmental operation. It has the advantage of freeing the commission from administrative detail and permitting greater time and attention to policy and overall operation and development. It also has the advantage of making the lines of responsibility clear. It assures full time devotion to administrative responsibilities and details. Studies indicate persons with professional background and experience can be helpful in dealing with the extremely complex details of current government. Since it is a more "streamlined" form, it can encourage greater efficiency and economy.

A frequently mentioned disadvantage of the manager form is the possibility that the manager could assume too much authority. This would only be possible if the elected commission failed to exert its authority to advise and direct the manager. The manager form has the additional disadvantage of being initially more expensive because of the outlay of the manager's salary. Statistics prove, however, that an effective manager can more than compensate for the salary outlay by economies in operation. Two Montana universities currently offer programs in urban affairs and public administration.

#### Presiding officer:

The presiding officer for the five member commission under the proposed form would be the commission chairman and would still be referred to as the mayor. He or she would be elected to the position by the commission members themselves. This procedure is currently used to determine the president of the council under the present form. Little change is involved here. The mayor still presides over meetings, signs official papers, and acts in the ceremonial functions of the office. He or she still appoints members of boards and committees with the consent of the commission. He or she is an active member of the commission, voting all issues and not just to break ties.

The major change involved is that the mayor/chairman is no longer involved in administrative affairs, is not required to supervise day-to-day operational activities, and receives less salary. Salary for both the mayor/chairman and commission members would be established by ordinance as it is under the present form.

The eight commission (council) members under the present form of government receive \$37.50 per regular bi-monthly meeting

(\$75.00 per month for a total of \$7,200 annually). The mayor receives \$10,600.

The amount paid to the five commission members under the proposed commission manager form of government could remain the same, but with the mayor (who is the fifth commission member and has added responsibility) receiving a small additional amount. This could effect a small savings in the amount paid commissioners. The manager's salary would bring the total up. Average national salary ranges for cities comparable to Havre in size and population are from \$15,000 to \$21,000 annually.

By comparison, the City of Bozeman, with a population of 18,620, presently operates under the commission-manager form of government. It pays four commission members \$38.00 per weekly meeting, or \$132.00 per month. The fifth commissioner, who is also the mayor, received \$57.00 per weekly meeting or \$228.00 per month. The total paid commission members is \$8,968 annually and the manager's salary is \$18,600.

In the City of Helena with a population of 22,730 (double that of Havre), the four commission members receive \$200 per month, or \$100 per bi-monthly meeting. The fifth commission member, who is also the mayor, receives \$3,600 annually. Total cost for the commissioners is \$6,500 annually. The manager's salary is \$25,000.

#### Chief administrative officer---Appointment powers:

The chief administrative officer under the proposed form of government is the manager. Selected according to qualifications established by the commission and directly responsible to them, the manager supervises the day-to-day operational detail of the city and its employees. Empowered to select department heads according to their qualifications, the manager does the hiring and firing and may appoint temporary advisory committees. Department heads are directly responsible and accountable to the manager. All service delivery functions come under his direction. The commission is expressly prohibited from interfering in administration, but it selects and sets policy for the manager.

The designation of the manager as the chief administrative officer is a part of the separation of function as described previously and hence a major change in the two forms of government.

#### Budget preparation:

Under the proposed form of government the manager is assigned the responsibility of preparing the budget. The commission then modifies or approves it. Little actual change would be involved here. Under the present form the budget is prepared by the mayor and clerk in consultation with the department heads and other representatives. Under both forms--present and proposed--those preparing the budget try to balance priorities with resources, and individual needs of departments with the overall needs of the city. Little change might be involved here, but the manager's direct accountability and professional experience should encourage greater economy.

#### Other elected officials:

Under the proposed form of government the position of the treasurer would become appointive and based upon qualifications. Modern legal requirements for auditing and meeting prescribed procedures make the necessity for a check and balance in this area of less concern now than in the past. The treasurer's position under the present form is a part-time one.

The position of city court judge (police judge) is presently under study. Revised codes presented to the 1977 legislative session will determine if the position is to remain elective, or be appointive. Present law will remain in effect until the legislature provides a change in procedure.



### Citizen participation -- Community councils:

Under the proposed form of government citizens receive representation through their elected commission members in the same manner as under the present form. Citizens' councils may be elected or structured according to ordinance to act in an advisory capacity to the commission or manager. Boards and commissions already created could continue to function in much the same manner, though some would be reduced to advisory capacity. Others could be assigned continuing specific authority. Havre study commissioners would encourage the citizens' advisory committee concept to encourage greater public participation in government and to act in a liaison capacity with other units of government affecting or involved with local government.

### Service delivery structure:

Since all service delivery structure would come under the direct supervision and responsibility of the manager, instead of various departments and assorted boards and committees, this would constitute a major change. Boards and committees could continue to exist under the proposed form, but lines of authority would be clarified. Having a single source to contact for information, complaint, or service should encourage greater efficiency and interdepartmental coordination. Reports on manager forms of government indicate that the consolidation of all city services under one head promotes better service.

## SUPPLEMENTAL INFORMATION

### Procedure for study

The local government review process was divided into three phases:

1. Study the present form of government in detail,
2. Study and evaluate other forms available under Montana law and make comparisons, and
3. Recommend an alternative form that could offer some possible improvement over the present form of government.

Under the first phase of the study all city officials and heads of major boards or committees were interviewed to gather basic information about present operations and identify problems, strengths and weaknesses. A number of citizen groups were contacted and a survey of public opinion was taken to identify attitudes of the public regarding the efficiency and economy of the present form of government and gather suggestions for areas of improvement.

In the second phase, each available form of government was analyzed. Supplemental reading was done. Film and slides relating to the study were shown. City officials in other communities were contacted for information, as were suggested resource people. Some detailed studies were done on the service areas of library, health agencies, law enforcement, and shops. The Havre Local Government Study Commission met in joint session with the Hill County Government Study Commission on many occasions to explore and study areas of mutual concern.

All meetings of the study commission were announced in advance. Reviews of meetings were published regularly in the newspaper. Several public hearings were held, some in cooperation with the Hill County Study Commission.

The third phase--that of recommending an alternative form--was accomplished, keeping in mind all gathered information, and only at the conclusion of the two preceding phases. The decision to recommend the commission manager form of government was not a prejudgement or one hastily made. It was made in the sincere belief it could offer some improvements over the present

form, and is worthy of citizen consideration.

### Identification of Problems and Concerns

Areas of concern identified by city officials and the public, along with the recent and predicted population expansion in the city of Havre, made the study commission aware of increased demands upon the city government and its services. Taking into consideration all information compiled, the study commission chose to recommend the commission-manager form as the alternative form because:

1. An identified problem under the existing form of government is the lack of definition and separation between policy-making and administrative functions. Without a clear definition of power, there is less efficiency. Some duplication or overlap is inevitable and both bodies of government may be overloaded. A separation of the function of government and clear definition of the powers of each suggest a practical solution to this problem.
2. Citizens evidenced a desire for a form of government that is representative, responsive, efficient and economical. The manager form as studied and proposed, would appear the best form to meet that desire. A smaller, but still representative commission, relieved of administrative detail, would have more time to devote to the establishment of policies and directives for a rapidly expanding community.

An experienced and trained manager, endowed with administrative powers, should be the means for meeting the desire for greater economy and efficiency.

The continued existence of advisory boards, plus the additional possibility for community councils to encourage greater citizen participation and greater intergovernmental cooperation, would appear to provide ample opportunity for representation.

3. City officials and citizens alike objected to the state's imposition of rules and regulations regarding the operation of city government. The expressed desire for greater autonomy in local government was recognized by the members of the 1972 Constitutional Convention. As a result, current provisions in the law encourage greater freedom of self-determination under general powers, and, for the first time, offer self-government powers. Some citizens may feel more comfortable having their local government operate within a prescribed but more liberal set of rules. Others may wish to seize all possible authority. There appears to be no major disadvantage to self-government power, except that of increasing responsibility. The choice is left to the voter.

### Service transfers and consolidation: (see appendix, Page 11 )

Four possible areas of service transfer or consolidation were identified in the citizens survey, and reaffirmed by study. Any action to propose any transfer or consolidation must be jointly presented by both Havre and Hill County study commissions. The details must be outlined and appear only on the Hill County ballot for voter consideration.

At this point in the study, Havre study commissioners offer only recommendations regarding these four areas. These recommendations are being presented to both agencies of government, and all persons involved. The recommendations are presently not a part of the proposed form of government, and are not presently included on the ballot form illustrated in this preliminary report.

Subsequent reports, including the final report, may, however, include one or more areas of service transfer or consolidation. For additional information on recommendations, please see Appendix Page 11 and note this area in the report of the Hill County study commission.



**CERTIFICATE ESTABLISHING  
THE PROPOSED PLAN OF GOVERNMENT  
FOR  
CITY OF HAVRE**

Upon approval of the majority of voters the government of the City of Havre shall be organized under the following provisions of Section 47A-3-204 R.C.M. 1947.

(1) (2) (3)(a) (3)(b) (3)(c) (3)(d) (3)(e) (3)(f) (3)(g) (3)(h) (3)(i) (3) (j) (3)(k) (3)(l) (3)(m) (3)(n) (4) (5) (6)(a)(i) (6)(b)(ii) (6)(c)(i) (6)(d)(i) (6) (e)(ii) (6)(f)(ii) (6)(g) (7) The question of adoption of general or self-government powers will be presented to the voters as a sub-option to be voted upon. The option approved by the voters will become part of this plan of government.

These sections establish the following form of government which shall be called a COMMISSION-MANAGER form in this city.

(1) The commission-manager form consists of an elected commission 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.

(2) 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.

(3) The manager shall:

- (a) enforce laws, ordinances and resolutions.
- (b) perform the duties required of him by law, ordinance or resolution.
- (c) administer the affairs of the local government.
- (d) direct supervise and administer all departments, agencies and offices of the local government unit except as otherwise provided by law or ordinance.
- (e) carry out policies established by the commission.
- (f) prepare the commission agenda.
- (g) recommend measures to the commission.
- (h) report to the commission on the affairs and financial condition of the local government.
- (i) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission.
- (j) report to the commission as the commission may require.
- (k) attend commission meetings and may take part in the discussion, but he may not vote.
- (l) prepare and present the budget to the commission for its approval of the commission

and execute the budget adopted by the commission.

(m) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance. Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.

(n) appoint members of temporary advisory committees established by the manager.

(4) 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.

(5) 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.

(6) The plan of government shall include the following:

(a) All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the chairman with the consent of the commission.

(b) The commission shall consist of five (5) members who shall be elected from districts in which candidates must reside, and which are apportioned by population.

(c) Local government elections shall be conducted on a partisan basis as provided in this title.

(d) The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

(e) Commission members shall be elected for overlapping terms of office.

(f) The size of the commission shall be five (5) members. Community councils to advise commissions may be authorized by ordinance.

(g) The term of office of elected officials shall be four (4) years.

(7)(b) The question of general powers or self-government powers will be

presented to the voters as a sub-option to be voted on. The option approved by the voters will become part of the plan of government.

We, the Study Commissioners of the City of Havre, do hereby certify that this is the Proposed Plan of Government approved by the Study Commissioners of the City of Havre.

In testimony whereof, we set our hands.

Done at Havre, MT, this 15<sup>th</sup>  
day of April 1976

SEAL

ATTEST: M. J. Williams  
CITY CLERK OF THE  
CITY OF HAVRE

Orlando R. Rogers  
Lee H. McCarty  
Charles J. Tallent

Local Government Study Commission

**CERTIFICATE ESTABLISHING  
THE EXISTING PLAN OF GOVERNMENT  
FOR  
THE CITY OF HAVRE**

If retained by the voters, the government of the City of Havre shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana 1947.

(1) (2) (3)(a)(ii) (3)(b)(iii) (3)(c)(ii) (3)(d)(ii) (3)(e)(ii) (3)(f)(i) (3)(g)(ii) (3)(h)(i) (3)(i)(i) (3)(j)(iii) (3)(k)(ii) (3)(l)(ii) (3)(m) (4)(a)

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

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

(1) The commission-executive form consists of an elected commission and other elected officers as provided in this section. 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 department heads and other employees other than those employees appointed by elected officials.

(2) The executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) Perform duties required of him by law, ordinance, or resolution;
- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;

(g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

(h) report to the commission as the commission may require;

(i) attend commission meetings and may take part in discussions;

(j) execute the budget adopted by the commission;

(k) 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.

(3)(a) The executive:

(ii) may appoint one or more administrative assistants to assist him in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may:

(iii) appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.

(c) The executive may:

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

(d) The executive may:

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



**CERTIFICATE  
ESTABLISHING THE OFFICIAL BALLOT  
FOR THE NOV. 2, 1976 SPECIAL ELECTION**

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

**OFFICIAL BALLOT  
BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT**

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

PLEASE VOTE ON BOTH ISSUES

1.  
Vote for One.

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

For existing form of government.

2.  
Vote for One.

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

General powers.

Self-Government powers.

This ballot on the alternate form of local government shall be printed as a separate ballot.

We, the Study Commissioners of the City of Havre, do hereby certify that this is the official ballot approved by the Study Commissioners of the City of Havre.

In testimony whereof, we set our hands.

Done at Havre, Montana, this 15<sup>th</sup> day of April 1976.

ATTEST: [Signature]  
CITY CLERK OF THE  
CITY OF HAVRE

Antoinette R. Hagene  
Lee H. McCarthey  
Charles J. Falkner

LOCAL GOVERNMENT STUDY COMMISSION

- (e) The executive may:
    - (ii) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.
  - (f) A financial officer (who may be called the "treasurer"):
    - (i) shall be elected.
  - (g) The commission shall be:
    - (ii) elected by districts in which candidates must reside and which are apportioned by population.
  - (h) Local government elections shall be conducted on a:
    - (i) partisan basis as provided in this title.
  - (i) The commission shall have a chairman who shall be:
    - (i) elected by the members of the commission from their own number for a term established by ordinance.
  - (j) The presiding officer of the commission shall be:
    - (iii) 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.
  - (k) Commission members shall be elected for:
    - (ii) overlapping terms of office.
  - (l) The size of the commission, which shall be a number not less than three (3), shall be established when the form is adopted by the voters, and:
    - (ii) community councils to advise commissioners may be authorized by ordinance.
  - (m) The term of office of elected officials shall be four (4) years.
- (4) The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:
- (a) general government powers.

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

In testimony whereof, we set out hands.

Done at Havre, Montana this 15<sup>th</sup> day of April 1976.

Antoinette R. Hagene  
Lee H. McCarthey  
Charles J. Falkner

Havre Local Government Study Commission

**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 HAVRE.**

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Havre at a special election to be held with the general election on November 2, 1976.

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

In testimony whereof, we set our hands.

Done at Havre, Montana, this 15<sup>th</sup> day of April 1976.

Antoinette R. Hagene  
Lee H. McCarthey  
Charles J. Falkner

Attest: [Signature]  
City Clerk of the  
City of Havre

SEAL

SEAL



**CERTIFICATE  
FOR THE APPORTIONMENT  
OF COMMISSIONER DISTRICTS**

Districts described by census division and enumeration district and voting precincts, with population and deviation from ideal shown.

Preface: To establish the district divisions as required by apportioning the population into as nearly equal areas as possible requires the determination of the population within the entire area, relate that population count to the voter registration within the entire area and then reduce that population factor to application to the individual precincts, and then determine district boundaries.

The area comprising the City of Havre embraces Census Enumeration Districts 0012 thru 0025 (1970 Federal Census) with a population of 10,558. The voter registration within the City of Havre (for 1974 General Election) was 5,284 and distributed among precincts no. 1 through 12. The ratio of registration to population being 50.1%.

District No. 1 Precinct No. 1, 2, and 5, (partials of E. D. 0016, 17, 18 20) Population - 2,078. Deviation from norm - .018

District No. 2 Precincts No. 3 and 4, (partials of E. D. 0020, 21, and 22) Population - 2,082. Deviation from norm - .017

District No. 3 Precincts No. 6 and 7, (partials of E. D. 0015, 16, 19, 23, and 24) Population - 2,141. Deviation from norm - .011

District No. 4 Precincts No. 8 and 9, (partials of E. D. 0024 and 25) Population - 1,962. Deviation from norm - .073

District No. 5 Precincts No. 10, 11, and 12, (partials of E. D. 0012, 13, 14 15) Population - 2,321. Deviation from norm - .096

We, the Study Commission of the City of Havre, do hereby certify that this is the official apportionment plan for the Commissioner Districts approved by the Study Commission of the City of Havre, Montana.

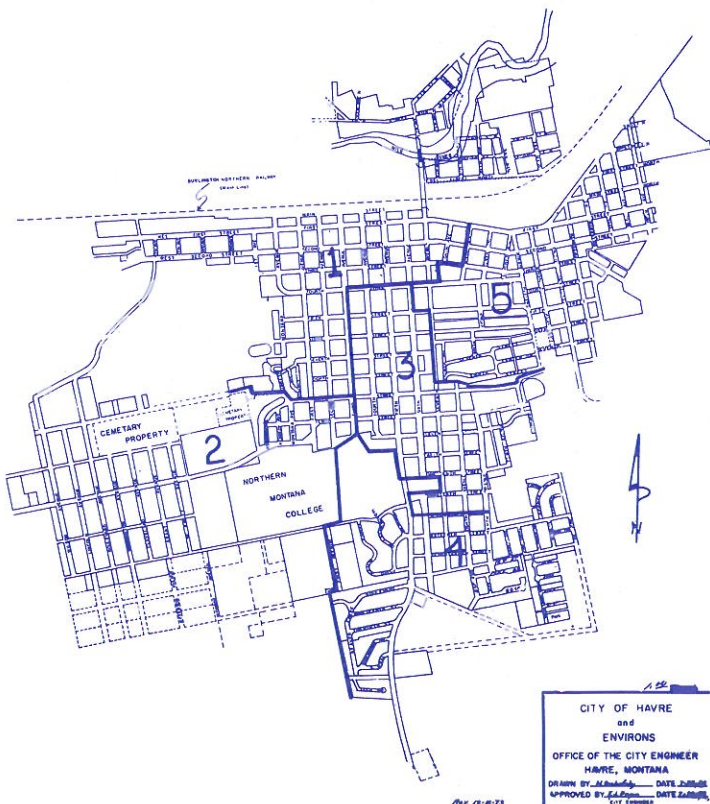
In witness whereof we set our hands this 15 day of April, 1976  
at Havre, Montana.

*Antonette R. Hagen*

Attest:

*Charles J. Baltus*

Clerk and Recorder,  
Hill County, Montana.



**APPENDIX**

**Recommendations:**

At the beginning of the local government review process several areas of possible service transfers or consolidation were noted. The citizen survey conducted in the spring of 1975 reinforced the initial belief that the service areas of law enforcement, library, health, and shops were duplicative, at least to some degree, on both the city and county levels. Recommendations offered here are presently not a part of the ballot, though they may be outlined for such consideration in subsequent reports, and be included in the final report.

**Law enforcement:**

After extensive study and interviews with both city and county law enforcement personnel, it was found that much cooperation and sharing of equipment and expertise is currently being done. But there are many areas of duplication of service and equipment. Consolidated use of such equipment would appear to require consolidated space and working area not currently available. Construction or remodeling of a building in which both city and county law enforcement agencies and equipment could be housed would be desirable and certainly cut down on duplicative costs of replacement and operation, as well as provide for better coordinated services to the entire area. Such construction seems unlikely in the immediate future unless another funding source can be found. Any construction or remodeling should also provide for a consolidated detention facility or jail.

Both city and county law enforcement departments seem genuinely to be seeking to provide the best possible service within allowable budgets and restrictions, and to be seeking solutions to mutual problems. There is a spirit of cooperation and a willingness to make adjustment. Both agencies of government are aware of areas of duplication and are working to minimize them. It must be pointed out that the topography of Hill County and the needs of a large rural area would always necessitate some difference in service, equipment, and availability of personnel. Rapid growth and expansion within the city or in surrounding fringe areas put an added burden on both agencies.

The Havre Local Government Study Commission recommends that: 1. present areas of cooperation between the city and county law enforcement departments be formalized in writing by both agencies of government; 2. that feasibility studies for consolidated facilities be seriously considered and that additional cooperation to provide better service to the entire area be urged and supported in the future.

**Library:**

Detailed studies of library services in the community revealed that the city and county libraries exist within one block of each other, serve an overlapping public, have similar hours, budgets, numbers of books, and problems. Both are overcrowded and both are unable to offer additional services because of space limitations. Neither library meets current requirements for easy access into the building, maximum time open to the public, space for study or research, and room for expansion of services or community activities. The conclusion of the study commission is that the community should not support such continued duplication of service. Perpetuation of separate libraries would only mean increasingly limited service, inability to meet public demands, and expensive duplication in facilities and operational costs. At one point in the study a consolidation or contract for local service with the Northern Montana College library was seriously considered. The college is also in need of additional space and could offer a much larger selection of books and variety of services. Although not totally opposed to the idea, consultants and advisors indicated such a combination had not been totally desirable where tried in other areas.



The idea had considerable appeal, but was set aside when the difficulties of working out operational details, cost, and responsibilities within three governmental agencies became apparent. Then too, the change of location of the library to an area away from the center of town might influence its utility and availability to the general public.

Both city and county study commissions were agreed library consolidation or service transfer should be placed upon the ballot. However, at a hearing on library services sponsored by both study commissions, officials of the Havre city library announced they were now included in a federated library pilot service program which would provide expanded services and some purchasing and cataloging advantages. County library officials publicly announced their willingness to consolidate services whenever a building was available. And the chairman of the Bicentennial committee announced her committee was dedicated to the construction of a library building. The chairman further stated that land and some funds had already been committed for this purpose. Subsequent information reveals the Bicentennial committee plans to meet with both librarians and boards to institute details and requirements for construction of a suitable building, to begin within five years, or by 1981.

The activities described above illustrate the ideal concept of local citizens and governments working to solve their own problems in their own way. The study commission, therefore, recommends that the citizens of Havre and Hill County actively encourage and assist in these efforts to achieve the reality of a consolidated library within the foreseeable future. Failure to accomplish a fusion of such duplicative services within a reasonable time should be regarded as a breach of public trust. The Havre Local Government Study Commission further recommends that the city council and county commissioners immediately appoint a consolidated library building advisory committee, composed of representatives of both the city library and its board, and the county library and its board, and at least three interested citizens to meet with the Bicentennial committee representatives to seek and investigate the necessary plans and details for a consolidated library building.

Such committee should serve in a liaison capacity between all interested parties and provide a means for implementation of an adequate building for consolidated services.

#### Health:

In studies of health agencies and health services in Havre and Hill County, it was found there are many overlapping agencies and a minimal coordination of services. Service delivery and enforcement of health regulation is piecemeal and not totally satisfactory.

With an expanding population pattern, concerns for safe, adequate water supply, efficient sewage disposal, and health and safety standards of all kinds are extremely important. It appears the present health delivery structure has difficulty in handling present problems, and would be seriously handicapped to deal with any expansion. Enforcement of established health and safety regulations appears a major problem. For an expanding population and area, neglect of such regulations can be expensive and disastrous.

Several agencies of government are involved in the delivery of health services in the area. Funding and regulations may come from federal, regional, school districts, or city and county governments. There is no centralized agency or authority to coordinate activities, to appeal for help, consultation or enforcement. The City of Havre has ordinances establishing the quality of water and milk products sold within the city and regarding sanitation. The state also has regulations. The city pays a local doctor a limited sum to act as health officer, and also has a health board which is

seldom active. The city employs a technician to test the water at periodic intervals.

The county employs a sanitarian to act as health officer and inspector. He serves two other counties also. A public health nurse is employed. The county also contributes money to other health delivery services.

The public schools employ nurses to aid in the handling of health problems. Other agencies serve essentially the same area and people, though the services offered may not be identical or totally duplicative. Some coordination of service is needed to improve service and to avoid unnecessary duplication of cost and effort. Those health related services funded and regulated by agencies of government other than the city or county would of course not be regulated by a coordinating office. But, a centralized authority or coordinating office could be a benefit to all agencies involved, and to the public.

The Havre Local Government Study Commission recommends that both agencies of government meet to establish procedures under which such coordination of all services could be accomplished, and look seriously at the establishment of a joint city-county health advisory board of citizens to review and work for improvement of health services in the area.

#### Shops:

City and county shops perform much the same function and involve some duplication of equipment, facilities, and services. The topography of the rural area and maintenance of road network requires different machinery and equipment and service from that necessary to maintain city streets. These differences would not be solved or changed in any consolidation or service transfer plan. A joint shop and service facility could, however, offer some savings in overall maintenance costs and in bids on supplies and equipment, as well as other areas.

New city shop facilities are presently under construction at a new location. New county shops have been discussed as a future need. Consolidation of land and building and joint contracts for purchasing of necessary supplies and equipment could provide for greater economy and more efficient services.

The Havre Study Commission recommends that both city and county governments seriously consider the savings involved, and promote such consolidation of services in any long-range planning.

#### Comment:

The study commission wishes to encourage both agencies of government and interested parties to act in the best interests of self-government to solve their problems in the most effective way.

Current efforts at cooperation and attempts to consolidate are commended, encouraged, and supported by the study commission. It is not the desire of the study commission to interfere with such efforts, but rather to stimulate and encourage their accomplishment. These recommendations are intended to do that. If they fail in their intent, then supplemental reports regarding the detailed procedure for consolidation or transfer may be published before the final report and included within it for voter consideration on the November 2, 1976 ballot.