

# 1760 Coroner proposal dominates study commission's hearing

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Discussion regarding a proposal to create an independent coroner's position wound up being the focus of Wednesday night's Local Government Review Commission hearing.

With incalculable hours clocked in 53 meetings, including four public hearings, the Anaconda-Deer Lodge County study commission conducted its fifth public meeting on five proposed amendments to the city-county charter.

"The study of local government happens every 10 years," said Jake Maciag, chairman. The next assessment, if approved by voters as stipulated in the 1972 Montana Constitution, will occur in the year 2004, he said.

In his opening remarks, Maciag said the study commission members are "local citizens who took on the task with no pre-conceived notions; we are all open minded with one common goal: to improve our local government."

The group, which receives no compensation, has interviewed nearly all A-DL employees, department heads and board members, and conducted a community survey.

"All of this was done to get a better understanding of our local government, and what residents expect," he said.

The five tentative proposals are meant to strengthen local government, he said. The inside perspective gained through the A-DLC personnel interviews gave the best picture

amendments. Look at and consider both sides of our findings, and what you hear in these public hearings," he said.

"Keeping in mind that these proposals may upset some people in local government, look at all sides, and decide for yourself, asking, 'Will these proposals improve government for Anaconda-Deer Lodge County?' We think so," the chairman said.

Participation in the public hearings and in making the ultimate decision in November, at the ballot box, is "a unique opportunity for Anaconda-Deer Lodge County citizens to participate in making their local government more accountable and proactive," Maciag said.

Government that works best is government that has citizen involvement, he added.

Maciag opened the public discussion with the fifth proposal, "Defining the duties and limitations of the Chief of Law Enforcement," the one which drew the most input — in opposition, but opposition presented without acrimony.

Now elected after an overwhelming voter approval, the office of Chief of Law Enforcement has no charter-specified job duties, as exist for the chief executive, commission and county attorney, with the latter simply referenced to state law.

The 13 proposed recommendations were garnered by the study commission from state laws concerning sheriffs, police chief and the county administrative code. The commission interviewed A-DLC employees,

enforcement.

The commission lists advantages of their proposals as:

- Lifting of confusion and ambiguity concerning the duties of the chief of law enforcement;

- Prohibition on being the head of another department, with two changes in A-DLC — the chief of law enforcement would no longer serve as county coroner, or as head of the Ambulance Department. The commission believes the changes would be beneficial because the law enforcement chief already has more employees to supervise than does any other department head, and the police department, with the 911 Center and jail, consume more than one-third of the entire county budget.

The current system also falls outside the intrinsic checks and balances in US. government, from the Federal Constitution, to state and local government. Counties which have an overlapping of officer/coroner duties are counties with populations less than 5,000, Maciag noted. Also, the 29 counties which have consolidated coroner and sheriff positions, have large cities which have separate coroner and police chief offices.

"We believe it is dangerous to place too much power in one person's hands, and that check and balances on power are a benefit to local citizens," reads the commission's prepared statement on the five proposals.

Any police officer other than the chief would not be prohibited from being coroner, the proposal reads.

By having two separate individuals accountable, a check and balance system is established, the commission believes.

The commission listed two disadvantages, noting that although the charter does not require this, the current tradition is that the chief of law enforcement is the coroner.

If adopted, the proposal would eliminate a major advantage to having the two offices held by one person: maintaining police control of the occasional homicide of suspicious death scene, and facilitation of cooperation, and preservation of evidence.

A second disadvantage would be prohibiting the chief from running other departments could limit flexibility of local government to make cuts and to consolidate other departments with the Department of Law Enforcement.

Economic impact would be nil, since all listed duties already are performed by the chief of law enforcement.

The proposal to forbid the chief of law enforcement from supervising any other department would impact the ambulance and coroner budgets.

However, the commission notes, with one of the current co-supervisors of the ambulance able to step in

(See *Coroner proposal*, Page 3)

# Coroner proposal ...

(Continued from Page 1)

as supervisor, little impact would be felt.

Because the coroner budget currently does not include the deputy coroners' overtime pay, any impact on the budget cannot be determined. The county pays the coroner \$3,600 annual salary; with most coroner calls now handed by deputy coroners. The coroner does routine scheduling and some light book-keeping for \$300 a month.

"It is quite likely that another police officer, or an outside person, could be found to handle the workload of the coroner position for that amount, who may also do more hands-on work, saving some of the overtime paid to the deputy coroners," the commission said.

Chief of Law Enforcement Jim Connors was accompanied by deputy coroners-officers Dewey Francisco, Mark Blaskovich, Jack Eklund and Ed Burch. Representing the other department involved, the Ambulance, were Cherie Bilodeau and Marty Mavrinac Jr.

Connors asked the board to explain the sentence, "We believe it is dangerous to place too much power in one person's hands, at that check and balances on power are a benefit to local citizens."

"How will it be worded on the ballot?" Connors asked.

Maciag answered that the draft as presented is tentative.

"It can, and likely will, change, as we gain input," he said. However, the final wording will embody the idea of check and

being done. In reference to the coroner's office, the chief amplified the reasons already given for maintaining the current coroner/officer situation: maintenance of files, keeping track of the on-going process, from discovery of a body through a possible autopsy.

He also noted to serve as coroner, a person must be certified, with Tom Radonich, vice chairman of the study commission, asking if any person can become certified, and therefore, serve as coroner.

Connors answered yes.

Noting that 24 of Montana's 55 counties have a similar coroner/officer office, Connors asked, "why change something that works?"

"The purpose of the consolidated government was to save money. The combined office of coroner and law enforcement chief saves money," he said.

Connors also does not see an absence of checks and balance: The state provides that, he said.

If the commission is intent on separating the coroner's office from the chief's office, Connors suggested the commission "take it all the way out, and make it an elective office."

Radonich asked Connors if he agreed with the idea that "two persons looking at the same situation would have different viewpoints." Connors responded that a second viewpoint is provided by the state, through its crime lab.

"There have been no mistakes in our office that I know of. ... Things work well they way they are here," he summarized.

The county receives approxi-

ner cost, the cost would be the same for an independent coroner if the proposal were passed.

In saying it likely would stay the same, Connors brought up another element of what he sees is a check and balance: the family.

The family expects and demands professionalism, expertise, and tact, Connors said. The current system provides that.

"It's not a pleasant job, that of coroner," Connors said. "You must go to death scenes, you must notify families of deaths, and all of it is thankless," he said.

He again asked why the commission did not choose to advocate making the coroner an elective office, referring to a poll which showed that preference in a 54:43 ratio.

That, however, is short of the numbers needed to generate a change at the polls; it must be a 60-65 percent figure.

Francisco noted the coroner's job is not listed in the police contract, and the union will not

back the commission's proposal.

"The union will take the position the job must be posted, as a job. It's something that could add \$3,600 to a younger officer's salary ... the older officers will not be happy."

Proposals to make the county attorney a non-partisan position drew no comment.

Chief Executive Cheryl Beatty questioned the proposal to have a candidate named to fill a vacated slot to be the candidate who received the second highest total of votes in the previous election, with provisions for the vacancy if this person is unavailable or ineligible.