

PETITION TO CHANGE MILES CITY'S FORM OF GOVERNMENT
FROM THE MANAGER-COUNCIL FORM TO THE MAYOR-COUNCIL FORM

This petition to change Miles City's form of government is presented for your consideration pursuant to MCA, 7-3-125. It is a proposal that is in the best interests of the citizens and electors of the city of Miles City.

About three (3) years ago, the citizens of Miles City voted to change their form of government from an eight (8) member elected council and a mayor, elected at large, to a five (5) member elected council and an appointed manager. The citizens expected they would get a proven qualified and experienced city manager. Today, we are on our 2nd city manager and some citizens are now questioning if Miles City will ever be able to obtain a city manager that would meet the hopes that were proposed in the manager-council form of government.

The citizens of Miles City deserve to be well represented and both the minority and the majority views, concerns and hopes need to be noted by the council and the executive.

Under the mayor-council form of government, we had two (2) elected representatives from each ward, therefore, it was possible for both the majority and the minority to be represented in each and every ward. We had a mayor who was elected at large and therefore, responsible and accountable to all the citizens of the city. What we presently have is five (5) council members elected from five wards, representing only the so-called majority views and opinions. We have a city manager, who was hired by the five (5) elected council members, who is solely responsible to these members and whose job depends on catering to these five members and not to the needs of the citizens of Miles City.

This proposal WILL allow for more and fairer representation for all the citizens regardless of social, economic or political status. The legislative, executive and chief financial officer (treasurer) will be directly accountable to the voters and citizens of Miles City.

Therefore, this petition is being presented for the citizens' consideration.

Petition # LG-1

Date first circulated February 1, 1991

All signatures must be collected within 90 days from date first circulated. (above date)

EXHIBIT A

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR
MILES CITY, MONTANA

Upon approval by the majority of voters, the government of the City of Miles City shall be organized under the following provisions of Montana Code Annotated (MCA), Title 7, Chapter 3, Part 2, which authorizes the municipal council-mayor form of government.

- (a) 7-3-201
- (b) 7-3-202(1)
- (c) 7-3-203
- (d) 7-3-212(2)
- (e) 7-3-213(3)
- (f) 7-3-214(2)
- (g) 7-3-215(2)
- (h) 7-3-216(2)
- (i) 7-3-217(1)
- (j) 7-3-218(2)
- (k) 7-3-219(2)
- (l) 7-3-220(1)
- (m) 7-3-221(3)
- (n) 7-3-222(2)
- (o) 7-3-223(2)
- (p) 7-3-224

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

7-3-201. Commission-executive form. The commission-executive form (which may be called the Council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

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

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by the law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussion;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-213 Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214 Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215 Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216 Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 Financial officer. A financial officer (who may be called the treasurer) shall be elected.

7-3-218 Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 Type of election. Local government elections shall be conducted on a non-partisan basis.

7-3-220 Chairman of the commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222 Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 Size of commission and community councils. The size of the commission shall be eight (8), and community councils to advise commissioners may be authorized by ordinance.

7-3-224 Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.