

TOWN OF CULBERTSON

CULBERTSON, MONTANA

Office Of The Mayor

I, DeAnne M. Weeks, Town Clerk/Treasurer for the Town of Culbertson received from Carsten Beck, Chairman of the Culbertson Local Study Commission, a certificate establishing the date of the election at which the alternative form of government shall be presented to the electors of Culbertson on this 19th day of August, 1986.

DeAnne M. Weeks

CERTIFICATE

ESTABLISHING THE DATE OF THE ELECTION AT WHICH
THE ALTERNATIVE FORM OF GOVERNMENT SHALL
BE PRESENTED TO THE ELECTORS OF CULBERTSON

The alternative form of government proposed by the Local
Government Study Commission shall be submitted to the voters
of Culbertson along with the general election of November 4, 1986.

We, the Study Commission of Culbertson
do hereby certify that this is the date
of the election approved by the Study
Commission of Culbertson.

In testimony thereof, we set our hands.

Dated this 19 day of aug., 1986.

Carsten Beck

Allen Persen

William W. Jensen

Local Government Study Commission

ATTEST: DeAnne M. Weeks

Municipal Clerk of the Town of Culbertson

To the Citizens of Culbertson:

The Culbertson Study Commission elected by the voters on _____
present this final report to the citizens.

The responsibility of the study commission, as defined in state law, is "to study the form and power of government and existing procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana." After completing these two phases of the study, it is the responsibility of the study commission to submit an alternative form of government to the qualified voters.

In every phase of this study the study commission sought advice and information from as many people in the town as possible. Opinions and recommendations were solicited from local government officials, community organizations, and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held.

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

In this report we present our recommendations for an alternative form of government. We feel that the Mayor-Council (Commission-Executive) form of government with self-government powers is best for the town of Culbertson.

The question for adoption of this alternative form will be placed on the ballot November 4, 1986.

We solicit your support for its adoption.

Respectfully submitted,

Culbertson City Study Commission

Members:

8/19/84
Carsten Beck
Carsten Beck

Allen Larsen
Allen Larsen

William W. Finn
Bill Finnicum

SUMMARY OF RECOMMENDATIONS

The Culbertson Local Government Study Commission, having thoroughly studied our present form of town government and the alternative to towns under state law, and having studied the future governmental needs of this town, recommends the following:

1. Retain the present Mayor-Council form of government but with added self-government powers.
2. The question on the form of government shall be submitted to the voters of Culbertson on November 4, 1986, in the following form:

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF GOVERNMENT

VOTE FOR ONE

For the adoption of the present Mayor-Council form of Local Government, but with added self-government powers as proposed in the report of the Culbertson Local Government Study Commission.

For retaining the existing form of local government.

FINDINGS OF THE LOCAL GOVERNMENT STUDY COMMISSION

CULBERTSON, MONTANA

After a study of almost two years, it is the decision of the Study Commission to recommend no change in the basic structure of the Culbertson Town Government. We do, however, recommend the adoption of self-government powers.

Input gathered during the course of study by means of discussion, interviews, public hearings, testimony of public officials, and citizens' survey, indicate that the majority of citizens are satisfied with the structure of our local government as it now exists.

The basic needs of our town have not changed a great deal in the past few years and we do not anticipate a great influx of people or industries that would put an unusual burden on local government in the next ten years.

After attending several information workshops and a debate on General Powers as opposed to Self-Government powers, the Study Commission believes that Self-Government powers would have some advantages over the existing form of powers.

Certain areas of control would be transferred from the state legislature to the town government. Many decisions that are now made on a state-wide basis by the legislature could be made at the town level. State-wide uniformity, while still required in certain areas, could be replaced in many other areas with procedures tailored to the particular needs of our town.

It should be remembered that any new government arrived at can be changed after a three year trial period.

3 copies

COMPARISON OF PRESENT AND PROPOSED FORMS OF GOVERNMENT

PRESENT FORM	PROPOSED FORM	EFFECT OF CHANGE
Mayor (Executive)	Mayor (Executive)	No change
Council (Commission) 4 members (2 from each of 2 wards) overlapping terms of 4 years	Council (Commission) 4 members (2 from each of 2 wards) overlapping terms of 4 years	No change
Other Officials appointed by mayor with consent of council Finance Officer Police Judge Water Superintendent Police Chief Others	Other Officials appointed by mayor with consent of council Finance Officer Police Judge Water Superintendent Police Chief Others	No change
General Powers: Town government can do only what the state constitution or legislature authorizes it to do.	Self-government Powers: Town government can do anything which does not conflict with state or federal laws	More local control over local affairs

RECOMMENDATIONS AND REASONS

The first responsibility of the study commission was to study the present form of government in Culbertson; the second responsibility was to evaluate alternative forms available to Montana towns; and the third responsibility was to recommend an alternative that can best meet the needs of Culbertson.

The decision of the Culbertson Government Study Commission to recommend the mayor-council (commission-executive) form with self-government powers is made in the belief that such a government can best meet the needs of Culbertson as identified during the course of this study.

At the public meetings, citizens spoke in favor of retaining the present division of the town into two wards, the continuation of non-partisan elections, and a mayor whose appointments require the approval of the council.

Although non-partisan elections have been used in the past, they were never authorized under state law. This means anyone could demand to have a party designation after his name and have legal basis for going to court. Therefore, our proposed form establishes that the mayor's appointments and removals shall be subject to council consent.

The other available forms were rejected for the following reasons:

City-Manager (Commission-Manager): The study commission felt that citizens would be unwilling to pay a city manager. In addition, according to the survey, citizens prefer to elect their chief executive. The study commission further felt that the position might be hard to fill at a salary the town would be able to pay.

Commission forms: Because the leadership is divided among commissioners, voters have difficulty fixing responsibility when they are displeased. The study commission felt the divided leadership of this form to be serious defect and rejected it.

Town Meeting: The town meeting form was rejected because it was felt that town meetings in Culbertson could be hard for a moderator to handle. Citizen participation could be either too heated or apathetic.

Charter: It was decided that a charter would not be written because no changes in the present government were being demanded.

RECOMMENDATIONS AND REASONS (continued)

The study Commission does feel that Culbertson should take advantage of the possibilities for more local control made available under self-government powers. While it is true that the restrictions placed by higher units of government will continue to inhibit independent action locally, adoption of self-government powers may be seen as a step in the right direction: local control over local affairs. Though the possibilities are not all spelled out and will emerge gradually as various towns explore and discover them, the stability of town government will not be threatened by self-government powers. No changes will be made automatically if self-government powers are chosen. Before any action can be taken under self-government powers, the town council must pass an ordinance allowing that action. In the meantime, present laws continue as usual.

In view of the satisfaction expressed by citizens in the mayor-council (commission-executive) form of government, the Culbertson Study Commission recommends that they adopt the proposed Mayor-Council form with the addition of self-government powers.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR
THE TOWN OF CULBERTSON

If retained by the voters, the government of the town of Culbertson shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana, 1947. Commission-executive form.

(1)

(2)

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

(4) (a)

47-A-3-203. Commission-Executive form.

(1) 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.

(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) The plan of government shall further define the structural characteristics of the form by including the items listed below:

- (a) The executive 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 appoint with a consent of a majority of the commission, all department heads. The executive may appoint and remove department heads and may appoint and remove all other department employees.
- (c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.
- (d) The executive may prepare the budget in consultation with the commission and department heads.
- (e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission by the executive with consent of the council.
- (f) A financial officer (who may be called the "treasurer") shall be appointed.
- (g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.
- (h) Local government elections shall be conducted on a partisan basis as provided in this title.
- (i) 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.
- (j) 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.
- (k) Commission members shall be elected for overlapping terms of office.

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CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR
THE TOWN OF CULBERTSON

If adopted by the voters, the government of the town of Culbertson shall be organized under the following provisions of Section 47A-3-203, R.C.M. 1947, Commission-Executive Form:

(1)

(2)

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

(4) (b)

47A-3-203. Commission-Executive Form.

(1) 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.

(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) The plan of government shall further define the structural characteristics of the form by including the items listed below:

(a) The executive 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 appoint and remove, with the consent of a majority of the commission, all employees of the local government.

(c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.

(d) The executive may prepare the budget in consultation with the commission and department heads.

(e) The executive may 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") shall be appointed by the executive with consent of the council.

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

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

(i) 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.

(j) 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.

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

(l) The size of the commission shall be four members, two to be elected from each of two districts, and 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 shall have self-government powers.

We, the Study Commissioners of the town of Culbertson, do hereby certify that this is the proposed Plan of Government as established by Section 47A-3-203, R.C.M. 1947.

In testimony whereof, we, the Under-
signed, have set our hands this ~~18~~ 19
day of aug, 1986, at Culbertson,
Montana.

Carsten Beck
Allen Jensen
William H. Jensen

Local Government Study Commissioners

ATTEST: DeAnne M. Weeks
Municipal Clerk
Town of Culbertson

CERTIFICATE

ESTABLISHING THE DATE OF THE ELECTION AT WHICH
THE ALTERNATIVE FORM OF GOVERNMENT SHALL
BE PRESENTED TO THE ELECTORS OF CULBERTSON

The alternative form of government proposed by the Local
Government Study Commission shall be submitted to the voters
of Culbertson along with the general election of November 4, 1986.

We, the Study Commission of Culbertson
do hereby certify that this is the date
of the election approved by the Study
Commission of Culbertson.

In testimony thereof, we set our hands.

Dated this ~~14~~¹⁹ day of aug, 1986.

Carsten Beck

Allen Larson

William H. Jensen

Local Government Study Commission

ATTEST: DeAnne M. Weeks

Municipal Clerk of the Town of Culbertson

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT

FOR THE NOVEMBER 4, 1986 ELECTION

INSTRUCTIONS TO VOTERS: Place an "X" in the box which expresses your preference. The full text of the proposed form of government and of the existing form of government are available at your polling place.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One

For adoption of the mayor-council (commission-executive) form of government with self-government powers as proposed in the report of the Culbertson Local Government Study Commission.

For the existing mayor-council (commission-executive) form of government.

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

In testimony whereof, we set our hands.

At Culbertson, Montana, this ~~26~~ 19 day of Aug., 1986.

ATTEST: DeAnne M. Weeks
Municipal Clerk
Town of Culbertson

Allen Garson
William W. Fonn
Local Government Study Commissioners

CERTIFICATE
FOR THE APPORTIONMENT
OF TOWN WARDS

Description of Ward 1:

All of the town of Culbertson that lies west of Broadway Street, starting at Hill Street to 4th Street, then west to 1st Avenue West, and north to the city limits.

Population of Ward 1: 416

Deviation from ideal population: less than 5%

Description of Ward 2:

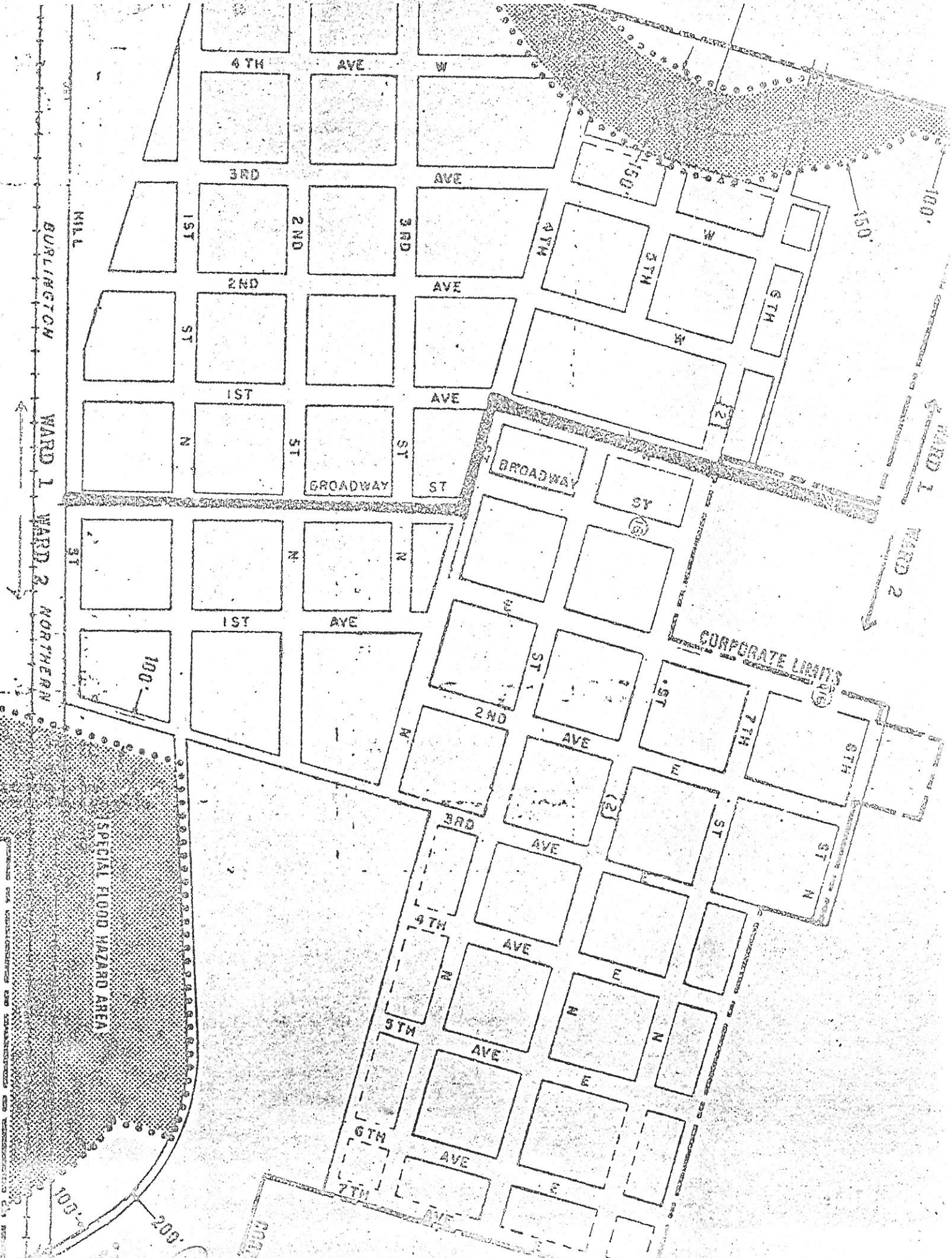
All of the town of Culbertson that lies east of Broadway Street, starting at Hill Street to 4th Street, then west to 1st Avenue West and north to the city limits.

Population of Ward 2: 405

Deviation from ideal population: less than 5%

Population based on 1970 census and water hook-ups as supplied by the City Clerk.

MAP CONTAINING THE BOUNDARIES IS ATTACHED.



BURLINGTON

WARD 1

WARD 2

WARD 3

NORTHERN

MILL

4TH AVE W

3RD AVE W

2ND AVE W

1ST AVE W

1ST AVE N

3RD AVE N

4TH AVE N

5TH AVE N

6TH AVE N

7TH AVE N

2ND ST

1ST ST

2ND ST

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

BROADWAY

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

8TH ST

9TH ST

10TH ST

4TH AVE W

5TH AVE W

6TH AVE W

7TH AVE W

8TH AVE W

9TH AVE W

10TH AVE W

11TH AVE W

12TH AVE W

13TH AVE W

4TH ST W

5TH ST W

6TH ST W

7TH ST W

8TH ST W

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10TH ST W

11TH ST W

12TH ST W

13TH ST W

14TH ST W

CORPORATE LIMITS

SPECIAL FLOOD HAZARD AREA

100'

200'

100'

WARD 1

WARD 2

WARD 3

NORTHERN

We, the Study Commission of Culbertson, Montana, do hereby certify that this is the official apportionment plan for town wards approved by the Culbertson Local Government Study Commission.

In testimony whereof, we set our hands.

Dated this ~~25~~ 19 day of Aug, 1986 at Culbertson, Montana.

Carsten Beck
Allen Parson
Walter W. Linn

ATTEST: DeAnne M. Weeks

Clerk-Treasurer

Culbertson, Montana

1/31/86
8/17/86

Culbertson City Government Study Commission Legal Public Notice: Summary and Comparison

EXISTING FORM:

The existing form of government in Culbertson is the Mayor/Council (Commission/Executive) form.

Although the elections are non-partisan, they have never been authorized by law. State laws regarding the Mayor's appointment powers are numerous and differing. Under the law implemented locally, the Mayor's appointments and removals of employees are subject to Council approval.

The existing form of government has general powers. Under this form of government, the town has only those powers specifically granted to it by the State Legislature. It is a parent/child type of relationship.

PROPOSED FORM:

The Study Commission recommends for Culbertson the Mayor/Council (Commission/Executive) form. The elections shall be non-partisan. This proposal will definitely establish that the mayor's appointments and removals are subject to Council approval.

The proposed plan provides self-government powers. Under the proposed form of government, the town would be able to take any action or engage in any activity unless specifically prohibited by the laws of the state or federal constitution.

These choices will appear on the ballot in the election:

VOTE FOR ONE:

For adoption of the Mayor/Council (Commission/Executive) form of government with self-government powers as proposed in the report of the Culbertson City Study Commission.

For the existing Mayor/Council (Commission/Executive) form of government.

The Study Commission does feel that Culbertson should take advantage of the possibilities for more local control made available under self-government powers. While it is true that the restrictions placed by higher units of government will continue to inhibit independent action locally, adoption of self-government powers may be seen as a step in the right direction: local control over local affairs. Though the possibilities are not all spelled out and will emerge gradually as various towns explore and discover them, the stability of town government will not be threatened by self-government powers. No changes will be made automatically if self-government powers are chosen. Before any action can be taken under self-government powers, the town council must pass an ordinance allowing that action. In the meantime, present laws continue as usual.

In view of the satisfaction expressed by citizens in the Mayor/Council (Commission/Executive) form of government, the Culbertson Study Commission recommends that they adopt the proposed Mayor/Council form with the addition of self-government powers.

Culbertson City Study Commission

Carsten Beck

Allen Larsen