

**MAY 28 1986**

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# —NOTICE—

The major difference between the proposed Charter and the present Charter is the City/County officials will be **ELECTED BY THE PEOPLE**. These officials will have the authority as well as the responsibility to operate their offices. At the present time the authority for County Government is vested in one person, the **APPOINTED MANAGER**. **THIS WOULD BE CHANGED.**

Please read the following comparison chart and make your **OWN DECISIONS**.

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	Charter Commission-Manager	Charter Commission-Chief Executive	The proposed form of Government with the elected Commission will add an elected Chief Executive. This will allow the electorate of Anaconda-Deer Lodge County to have control over both the Legislative and Administrative powers of the government.
Powers	Self-Government Powers - Legislative body may exercise any powers not prohibited by State law.	Self-Government Powers - Legislative body may exercise any powers not prohibited by State law.	Self-Government Powers, not limited by State Law, allows local problems to be met at local levels.
CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Chief Administrative Officer.	The appointed manager is the Chief Administrative Officer.	The Elected Chief Executive is the Chief Administrative Officer.	The electorate will choose the Chief Administrative Officer thereby assuring County-Wide Administrative representation.
Appointment Powers	Commission appoints and removes County Manager, members of Boards and Commission.	Commission appoints all Boards and Commissioners. Chief Executive appoints all non-elected department heads with Commission approval other elected officials appoint their own assistants subject to collective bargaining agreements.	The appointment power is decentralized among several offices assuring better responsiveness to the electorate.
Budget Preparation	Manager prepares budget and submits to commission for modification and approval.	Chief Executive prepares budget in consultation with elected Department heads and then submits to the Commission for approval.	Preparation of the budget is the responsibility of the Chief Executive. The Chief Executive must consult with Department heads for concurrence. This allows for more county-wide input.

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Governing Body	Five (5) Elected Part-time Commissioners nominated from and residing in each of five (5) districts	Five (5) Elected Part-time Commissioners. One (1) Elected Executive.	
Size	and elected at large for overlapping terms of four (4) years. The Commission elects its chairman.	Five Commissioners nominated and elected by district in a partisan/non-partisan election for overlapping terms of four (4) years.	All areas of the County are assured equal representation since the Commission is both nominated and elected by their districts.
Presiding Officer	Commission is Legislative and policy making body.	Commission elects its chairman.	The Elected Chief Executive would be the representative of the county, elected at-large.
Duties	Manager, hired by Commission is the Administrator of the policy set by the Commission.	Commission exercises all legislative powers and determines policy.  Chief Executive nominated and elected at-large in a partisan/non-partisan election for a term of four (4) years.  The Administration of the government is the responsibility of the elected Chief Executive.	The proposed form maintains a distinct separation of Legislative and Administrative functions. The elected Chief Executive will act as the head of Government.

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Other Elected Officials.	County Attorney Justice of the Peace Fifteen (15) Members of Advisory Council.	Sheriff County Attorney Clerk and Recorder Treasurer Clerk of the District Court Justice of the Peace Part-time Superintendent of schools Public Administrator	The elected officials will share the Executive Branch of the Government with the Chief Executive.  The electorate of Anaconda-Deer Lodge County will once again have the opportunity to enjoy a freedom of choice in selection of Elected Officials.  Because the Survey conducted by the Study Commission showed that 65% of the people contacted wanted an elected manager and sheriff it is assumed the electorate wishes to reclaim their right to vote for elected officials.

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Service Delivery Structure	The Commission organized services into Department which are under the direct supervision of the appointed manager.	Will be performed by the Chief Executive and other Elected Officers.	The proposed form will continue to maintain one law enforcement officer (elected), one road department, joint fire districts and will add one elected administrator.
Citizen Participation	Elected Advisory Councils to provide communication between people and commission.	District Councils may be appointed at the Commissions discretion. Each Commissioner may appoint a three (3) member council from the Commissioners respective District.	The District Councils will serve at the pleasure of the Commission. The council could provide for more citizen participation at the grass-root level.

# REPORT

associated with an increased frequency of skin cancer when ingested and lung cancer when inhaled. Cadmium has been associated with an increased frequency of lung cancer in humans when inhaled. Lead is an acute or subacute toxin and is particularly harmful to the blood-forming and central nervous systems of children.

The report notes that the risks for each contaminant are reported separately, but that biologically, the effects could be additive.

## Theresa Ann Terrace

A number of Theresa Ann Terrace residents are also expected to attend the meeting. The homeowners in that area are upset over fencing and signing that was recently erected near their homes.

The signing and fencing is along the Anaconda Minerals Company property lines and includes the old smelter works. Signs on the fence, which in some places is only a few feet from the Theresa Ann homes, notes that the property is contaminated.

The homeowners, contending that the value of their property has been diminished by the signing, have retained a local law firm to represent them.

Letters opposing the signs have also been sent to the EPA from the county and the Anaconda Chamber of Commerce.

In the county's letter, City-County Manager Ben Bifoss suggested that the wording of the signs be changed to simply designate the area as private property.

The Chamber said they were opposed to the signs lining Highway 10A east of Anaconda because they gave the wrong impression to tourists coming into the area, presenting an image that would be difficult to overcome as the community tries to develop tourism.

In other business the Environmental Advisory Council will hear an update on relocation efforts in the Mill Creek area, an update on the flue dust order, an update on the remedial investigation-feasibility study and a report by Audrey Aspholm, Community Relations representative.

# CHARTER

Agreeing with Anderson, Galle added that he felt having elected officials would bring more voters to the polls.

"There is nothing for people to turn out for," Galle said.

Fitzpatrick disagrees with the study commission's interpretation of the survey. "When those surveyed made the statement they would have elected officials they didn't realize that they would have to change the entire form of government to do this," she observed.

She also noted that even though the public may be able to vote for some additional officials, they would lose their ability to vote for the people who count - the commissioners.

The proposed charter calls for the commissioners to be elected only within their district.

"These are the people who are in a position to do what the public would like done," she said. "They're giving the people one commissioner who will represent 20 percent of the electorate. Everyone in the courthouse will have more backing than any commissioner and more political clout than the majority of the commission."

By giving up the vote for the commissioners to gain the vote for elected officials, Fitzpatrick says "We'd be voting for people who can't do anything beyond what their job calls for."

Examples she says, would be voting for the public administrator who handles only a few cases per year, or the sheriff who will not change his job because of a few votes.

The public would lose their vote on four important officials, to vote for seven elected officials - an actual gain of only three, she notes.

Nominating and electing commissioners by districts, rather than at large, gives people more of choice, Galle says. "It give the district a chance to put in a person from the district," he said.

The only individual to run county-wide, except for the other elected officials, would be the chief executive.

## Manager to Chief Executive

The proposed charter also calls for the form of government to be changed from a appointed manager to an elected chief executive.

Galle says the charter "puts the chief executive under the control of the public instead of just the commission."

The chief executive would still be under some control of the commission, Anderson said, because of the specific duties outlined for him in the charter.

"He doesn't have a free hand because he is charged by the charter with specific duties," she said.

Galle noted that the commission also exercises budget control over the chief executive and the other elected officials.

The proposed charter allows for the chief executive to appoint administrative aides.

"I don't think any administrative aides would be necessary unless the county expands," Galle said. "As things stand today, I don't think one would be appointed. If the county becomes larger, more populated, then the vehicle is there."

Fitzpatrick counters that the present form of government has an elected commission, which everyone votes for, which in turn hires a professional manager who is accountable to them. The county's department heads are accountable to the manager and the staff is accountable to the department heads.

"If someone is not doing what they're supposed to do, then the department heads and the manager can look into it," she said. That makes government more responsive than having elected officials, where if problems arise, the only way to hold them accountable is wait until the next election or attempt to recall them.

**Cost**  
the cost of government is another issue raised indirectly by the proposed charter.

Those backing the present form of government also maintain that it is less costly and more efficient than the proposed

Fitzpatrick says that the commissioners, who will be in a weaker political position, will find it harder to hold the purse strings.

"They are going to find it next to impossible to do things, such as cutting the budget," she said. "Every department head will naturally defend their office and their staff. The commissioners must, by law, leave enough money in the budgets to carry out the functions of an office."

"How are we going to be able to tell what it will actually cost the taxpayer?" Galle asked. "I think we're going to have a better form of government. It will be up to the commission to budget to hold the line. The commission will have the authority to make it more cost effective."

Anderson added that she felt the cost of county government, under the proposed charter, would be the same.

"I don't see an increase," she said.

## Partisan or Non-Partisan

A sub-option question on the ballot will also concern whether officials should be selected by partisan or non-partisan designations.

"In this community the feeling is 'what's the difference as long as it is in the community'," Galle explained. "My feeling is partisan elected officials are just as important on a local level as the national level. You can tell what a candidate is and what he will do. It gives people the chance to make a decision."

Fitzpatrick notes that non-partisan officials have "worked very well on a local level."

"It gave many people the chance to participate who would not have been otherwise able to do so," she says. "I think we've given people more of chance."

And she adds, having local non-partisan officials has not affected the county's dealings on the state or national levels.

Fitzpatrick also notes that the proposed charter does not leave the partisan or non partisan question open regarding the chief executive. The proposed charter calls directly for a partisan chief executive to be elected.

"That's just one of the many boo-boos and blunders in it," she said. "We might need amendments in it if the non-partisan carries."

Pointing out other possible language errors, she notes the charter says that if the chief executive's office is vacant, the commissioners are to call for "a" district public caucus to recommend names to the commissioners.

"Which district?" she asked.

## Taxation

The language regarding taxation is also vague, Fitzpatrick says. "We don't have the terminology as to what the taxing districts will be in the future," she says. "The study commission didn't answer that in the charter. They left it to the future board of the county commission to do what they want to."

The present charter specifies that "The total area of Anaconda-Deer Lodge County shall consist of a General Service District in which all property shall be taxed at a rate based on the level of services actually provided."

That statement was eliminated in the proposed charter.

Galle says that the proposed charter takes the general service districts from the present charter, leaving it open for the commission to tax where services are being performed.

It is those changes which Fitzpatrick says make the proposed charter a "poor alternative."

"In my view the present government has operated exceedingly well over the past nine years," she said, pointing to the study commissions own survey which said that 80 percent of the people felt the present form of government was working well.

"There is a feeling in people's minds we're going back to the old form of government with the mayor-commission. That's being presented by the opposition," Galle maintains. "What I would like is for people to get a conv of the final