

To the Citizens of Carbon County:

The Carbon County Study Commission elected by the voters on November 5, 1974, present this tentative report to the citizens of this county.

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 electors.

In every phase of this study, this study commission sought advice and information from as many people in the county as possible. Opinions and recommendations were solicited from local government officials and citizens. All meetings of the study commission were open to the public. Public hearings were held.

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

In this tentative report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunities for devising solutions to local problems. We feel the citizens of Carbon County can achieve these goals by adopting the Commission-Charter form with self-government powers.

The question for the adoption of this alternative form will be placed on the ballot November 2, 1976.

We solicit your support for its adoption.

Respectfully submitted,

Carbon County Study Commission

Members: Robert Evertz
Elva Loyning
Bob Ozinga

PREAMBLE

WE, THE PEOPLE OF CARBON COUNTY, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, and in the belief that local government and local control of public affairs must be the foundations of popular democracy, do adopt this charter.

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Powers of the County

Carbon County shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this charter.

Section 1.02 Limitations of Powers

Carbon County shall not levy millages in excess of those established by the laws of Montana or local ordinance.

Section 1.03 Interpretation of Powers

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to existing statutory provisions of Montana.

Section 1.05 Cooperative Agreements

As provided by Article XI, Section 7 of the Constitution of Montana, Carbon County, unless prohibited by law or this charter, may enter into cooperative agreements for the exercise of any function, power or authority with other governmental units or school districts.

Section 1.06 Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana. Penalties for violation of the oath of office shall be established by the laws of Montana.

ARTICLE II

THE COUNTY COMMISSION

Section 2.01 Composition, terms, election, qualifications, compensation, removal, fill-

ing of vacancies.

- (1) There shall be a commission of Carbon County composed of three (3) members, at least one (1) of whom shall be elected every year.
- (2) Members of the commission shall be elected for terms of three (3) years.
- (3) Elections for the commission shall be non-partisan.
- (4) As provided in Article X of this charter, members of the commission shall be nominated and elected by district. Nominees for commissioner elected by district shall reside in such district.
- (5) Elections for the commission shall be conducted in accordance with applicable laws of Montana.
- (6) By ordinance adopted at least six (6) months prior to the next county general election, the commission shall determine the annual salary of its members and of other elected officials. Full-time elected officials shall receive at least ninety (90%) per cent of the compensation received by the highest paid of their number.
- (7) Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, or the commission may establish per diem and mileage allowances in lieu of such expenses.
- (8) The office of commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
 - (a) A commissioner shall forfeit his office if he:
 - (i) loses his eligibility for election to the commission;
 - (ii) violates any express prohibition of this charter;
 - (iii) is convicted of a felony or other offense involving moral turpitude;
 - (iv) without commission approval, fails to attend two consecutive regularly scheduled commission meetings or absents himself from the county continuously for thirty (30) days without consent of the commission.
- (9) In the event of a vacancy, the commission shall by unanimous vote of the remaining members, appoint a person, eligible to hold such commission seat, to fill the vacancy until the next regular county election at which time the remainder of the term shall be filled by election, as provided by law and this charter.
- (10) The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.
- (11) (a) There shall be a chairman and a vice-chairman of the commission. The

chairman shall be recognized as the head of the county and shall preside at the commission meetings. If, at any meeting of the commission the chairman is not present, or is unable to act, the vice-chairman shall preside at the meeting.

- (b) The chairman shall be elected by the members of the commission from their own number for a term of one year.
- (c) The vice-chairman shall be elected by the members of the commission from their own number for a term of one year and shall serve at the commission's pleasure.

(12) The commission shall appoint one full-time administrator to assist them in the supervision and operation of the county. Qualifications and duties of the administrator are provided in Article IX of this charter.

(13) It is the intent of this charter that duly elected members of the commission become part-time employees of the County.

Section 2.02 Powers of the County Commission

All legislative, executive and administrative powers of the county not specifically reserved by law, ordinance or this charter to other elected or appointed officials shall reside in the commission.

Section 2.03 Restrictions on the County Commission

(1) Neither the commission nor any of its members can dictate the appointment or removal of any employee whom any other elected or appointed official is empowered to appoint or remove.

(2) Except for the purpose of inquiry or investigation under this charter or the code of local government, the commission or its members shall deal with the county employees who are subject to the direction or supervision of any elected or appointed official solely through such official, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 2.04 Commission Procedures, Public Participation

(1) Commission procedures shall be as prescribed by state law.

(2) The commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings through the administrator.

(3) All meetings shall be open to the public except in such circumstances as prescribed by state law.

(4) All documents and records of the commission shall be public records and shall be made available for examining or copying at reasonable times in the county courthouse.

(5) The commission shall conduct at least three (3) public meetings per year in each commission district. The meetings shall be scheduled at such times and in separate places so that the meetings are accessible to county residents living in widely disparate parts of Carbon County.

ARTICLE III

COUNTY SHERIFF

Section 3.01 Election, Term, Compensation, Vacancy, and Removal.

(1) The chief law enforcement official, who shall be known as sheriff, shall be nominated at large by the qualified electors of the county.

(2) The sheriff shall be elected for a term of four (4) years.

(3) Elections for the sheriff shall be non-partisan.

(4) The salary of the sheriff shall be established by the county commission as provided in Article II, Section 2.01(6) of this charter.

(5) The office of sheriff shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(a) The sheriff shall forfeit his office if he:

(i) loses his eligibility for election to the position of sheriff;

(ii) violates any express prohibition of this charter;

(iii) is convicted of a felony or other offense involving moral turpitude.

(6) The commission shall be the judge of the grounds of forfeiture of the office of sheriff. A sheriff charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

(7) In the event of a vacancy in the office of sheriff, the commission, by majority vote of all of its members, shall appoint a person eligible to hold the position of sheriff to fill the vacancy until the next regular county election, at which time the remainder of the term shall be filled as provided by law for the election of sheriff.

(8) In the event of temporary absence or disability, an under-sheriff, previously designated by the sheriff as his substitute, shall serve as acting sheriff.

Section 3.02 Powers and Duties of Sheriff

The sheriff shall be the chief law enforcement officer of the county. He shall perform all duties charged to him by this charter, law, ordinance or resolution.

ARTICLE IV

COUNTY ATTORNEY

Section 4.01 Election, Term, Compensation, Vacancy, and Removal.

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(1) There shall be elected in the county a county attorney who shall possess the qualifications prescribed by state law, and who shall be nominated and elected in the same manner as it prescribed for the sheriff in section 3.01 of this charter.

(2) The term of office, establishment of compensation, grounds for removal, vacancy of office, and filling of vacancies shall be in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

(3) The county attorney shall be considered a part-time county employee.

Section 4.02 Powers and Duties of County Attorney

(1) The county attorney shall be the chief legal advisor and criminal prosecutor of the county and shall, in addition to such other duties as may be prescribed accordingly to this charter or by law:

(a) attend the district court and conduct, on behalf of the state, all prosecutions for public offenses and represent the state in all matters and proceedings to which it is a party, or in which it may be beneficially interested, at all times and in all places within the limits of the county;

(b) institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that such offenses have been committed, and for that purpose, whenever not otherwise officially engaged, must attend upon the magistrate in cases of arrest, and attend before and give advice to the grand jury whenever cases are presented to them for their consideration;

(c) draw all indictments and informations, defend all suits brought against the state or the county, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or the county;

(d) deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer;

(e) on the first Monday of January, April, July and October, in each year, file with the county recorder an account, verified by his oath, of all moneys received by him in his official capacity during the preceding three months, and at the same time pay it over to the county treasurer;

(f) give when required, and without additional fee, his opinion in writing to county officers, and to county boards and committees whose agencies service the entire county, on matters relating to the duties of their respective offices, boards and committees;

(g) keep a register of all official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially, and of the proceedings therein;

(h) when ordered or directed by the attorney general so to do, to promptly institute and diligently prosecute in the proper court, and in the name of the state of Montana, and criminal or civil action or special proceeding;

(i) act as legal advisor to the commission, attend their meetings when required, and attend and oppose all claims and accounts against the county which are unjust or illegal;

(j) institute an action if the commission, without authority of law, orders any money paid as a salary, fee, or for any other purpose, and such money has been actually paid; or if any other county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without authorization by the commission or by law, and the same has been paid. Such action shall be in the name of the county against such person or persons to recover the money so paid and for twenty-five percent (25%) damages for the use of such money. No order of the commission is necessary to maintain such a suit; but when the money has not been paid on such order or warrants, it is the duty of the county attorney, upon receiving notice thereof, to commence an action in the name of the county for restraining the payment of the same and no order of the governing body of the county is necessary to maintain such action;

(k) act as legal advisor to the county school districts, give opinions in writing to such school district officers who request it, and comply with all other requirements as are prescribed in Title 75.

(2) The county attorney, except for his own services, must not present any claim, account, or other demand for allowance against the county, nor in any way advocate the relief asked on the claim or demand made by another.

ARTICLE V

COUNTY RECORDER

Section 5.01 Election, Term, Compensation, Vacancy, and Removal.

(1) The county recorder shall be nominated and elected in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

(2) The term of office, establishment of compensation, grounds for removal, vacancy of office, and filling of vacancies shall be in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

Section 5.02 Powers and Duties of County Recorder

The county recorder shall perform all duties charged to him by this charter, law, ordinance or resolution.

ARTICLE VI

CLERK OF THE DISTRICT COURT

Section 6.01 Election, Term, Compensation, Vacancy and Removal.

(1) The clerk of the district court shall be nominated and elected in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

(2) The term of office, establishment of compensation, grounds for removal, vacancy of office, and filling of vacancies shall be in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

Section 6.02 Powers and Duties of Clerk of the District Court.

The clerk of the district court shall perform all duties charged to him by this charter, law ordinance or resolution.

ARTICLE VII

COUNTY TREASURER

Section 7.01 Election, Term, Compensation, Vacancy and Removal.

(1) The county treasurer shall be nominated and elected in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

(2) The term of office, establishment of compensation, grounds for removal, vacancy of office, and filling of vacancies shall be in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

Section 7.02 Powers and Duties of County Treasurer.

The county treasurer shall perform all duties charged to him by this charter, law, ordinance, or resolution.

ARTICLE VIII

COUNTY ASSESSOR

Section 8.01 Election, Term, Compensation, Vacancy and Removal.

(1) The assessor shall be nominated and elected in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

(2) The term of office, establishment of compensation, grounds for removal, vacancy of office, and filling of vacancies shall be in the same manner as is prescribed for the sheriff in section 3.01 of this charter.

Section 8.02 Powers and Duties of County Assessor.

The assessor shall perform all duties charged to him by this charter, law, ordinance or resolution.

ARTICLE IX

ADMINISTRATIVE DEPARTMENTS

Section 9.01 General

The activities under the direction and supervision of the county commission shall be

distributed among such departments, agencies and offices as are established by this chart or may be established thereunder by ordinance of the county commission in order to execute and enforce policies as are determined by the commission and to carry out obligations imposed on the county by state law.

Section 9.02 The County Administrator, Qualifications, Compensation, Appointment and Removal.

(1) As provided By Article II of this charter, the county commission shall appoint one (1) full-time administrator for an indefinite term on the basis of merit only. The commission shall fix the administrator's compensation.

(2) The county administrator need not be a resident of the county at the time of his appointment but may not reside outside the county while employed by the county.

(3) The commission may remove the administrator from office at any time by majority vote of its members, provided:

(a) the commission must notify the administrator in writing at least thirty (30) days prior to his removal.

(b) within 10 days after receiving notice of his removal, the administrator may file a written request for a public hearing with the commission. This hearing shall be held within twenty (20) days after the request has been received by the commission.

(c) the administrator shall continue to receive his salary until the effective date of his removal or resignation, provided the administrator continues to perform the duties of his office until the effective date of removal. The action of the commission in removing the administrator shall not be subject to review by any court or agency.

(4) The qualifications for office of county administrator shall be as follows:

(a) at least five (5) years of progressively responsible experience in the administration of public institutions and involving the management of budgets and highly diverse administrative functions.

Section 9.03 Powers and Duties of the Administrator.

(1) The county administrator shall be the chief administrative officer of the county. He shall be responsible to the commission for the administration of all county affairs placed in his charge by this charter, law, ordinance or resolution, including but not limited to:

(a) direct, supervise and administer all departments, agencies and offices of the county which are headed by appointed officials except as otherwise provided by this charter, law or ordinance;

(b) carry out policies established by the commission;

(c) recommend measures to the commission;

(d) monitor and report to the commission on the affairs and financial condition of the county;

- (e) prepare the commission's agenda upon their request;
- (f) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (g) report to the commission as the commission may require;
- (h) take part in commission meetings, but the administrator may not vote on any matter brought before the commission;
- (i) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (j) appoint, suspend and remove for cause all employees of the county, who are under the administrator's direct supervision, except as otherwise provided by law or ordinance or this charter.
- (k) design, develop and administer a complete system of personnel policies and procedures for the county, subject to the approval of the commission;
- (l) design, develop and administer a complete system of properties and equipment management for the county, including a system for annual inventories, subject to approval of the commission;
- (m) design, develop and administer a complete system for purchasing county supplies and equipment, including bidding procedures, subject to the approval of the commission;
- (n) provide for a program of interdepartmental relations as necessary within the county;
- (o) provide a public information service for residents of the county, to be available to the public at reasonable times in the courthouse;
- (p) act as clerk to the commission, and provide for keeping of a journal of the commission's proceedings, at the commission's request;
- (q) provide a program of centralized services for the cleaning and maintenance of county facilities, a facilities improvement program, and conduct other special administrative duties upon request of the commission.

(2) The commission shall provide the administrator with sufficient funds to conduct and maintain his office and duties.

Section 9.04 County Department of Transportation and Roads Supervisor.

(1) There shall be a county department of transportation, headed by a county roads supervisor.

- (a) the roads supervisor shall be appointed and may be removed by the commission in the same manner as provided for the county administrator in section 9.02 of this charter.
- (b) qualifications for road supervisor shall be any combination of

education and experience resulting in competence in transportation systems operation, planning and maintenance.

(2) Except as otherwise provided by this charter, law, ordinance or resolution, the road supervisor shall be charged with the responsibility and administration of the following:

(a) planning, construction and maintenance of county streets, road and highways;

(b) supervision and direction of county road employees;

(c) development and publication of a comprehensive policy outlining priorities for maintenance and snow removal on county roads, subject to the approval of the commission;

(d) maintain, repair and appropriate the use of machinery, and equipment attendant to the County Department of Transportation;

(e) advise and counsel the commission and the administrator on material pertaining to the purchase and overall use of county road equipment and transportation policy;

(f) report to the administrator and to the commission as may be required by them;

(g) other duties as required by this charter, law, ordinance or resolution.

Section 9.05 The County Superintendent of Schools.

(1) There may be a county superintendent of schools who shall be appointed and may be removed by the commission in the same manner as provided for the county administrator in section 9.02 of this article.

(2) Qualifications for county superintendent of schools may be established by ordinance.

(3) The commission must designate a county superintendent of schools or the commission shall designate one or more departments, offices, or employees to perform the duties of county superintendent of schools as prescribed in Title 75, Chapter 58.

(4) The county superintendent of schools, or the duly designated departments, offices or employees of the county, shall perform all duties charged to them by this charter, law, ordinance or resolution.

ARTICLE X

NOMINATIONS AND ELECTIONS

Section 10.01 Elected County Offices.

The procedure for the nomination and election of all elected county offices shall be as prescribed by state law for non-partisan elections.

Section 10.02 Districts.

For purposes of representation on the county commission, Carbon County shall be di-

vided into three (3) districts. Boundaries of commission districts may be changed in accordance with this charter.

Section 10.03 Reapportionment of Commission Districts.

(1) Within six (6) months after an official United States census establishes that the population of any district differs in number from the average population of all districts by more than ten percent (10%), the commission shall modify the boundaries of districts so that such difference is eliminated.

(2) For the purposes of this section, the six (6) month period shall begin upon the availability of data from the 1980 census conducted by the United States Bureau of the Census.

(3) If the commission fails to perform the modifications required by subsection one (1) of this section within the specified time, the members of the commission shall forfeit all pay and allowances until they enact modifications, at which time their pay and allowances shall resume unaffected by court challenge to those modifications.

Section 10.04 Redistricting.

District boundaries may be changed by ordinance, provided that such revised district boundaries must comply with the population standards prescribed in section 10.03 of this charter. In the event of a judicial challenge to the ordinance, the burden of proving compliance shall rest upon the county.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 11.01 Amendment of Charter.

This charter may be amended only by majority vote of the qualified electorate of Carbon County or as prescribed by state law.

Section 11.02 Effective Date.

This charter shall become effective on May 2, 1977.

Section 11.03 Severability.

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XII

TRANSITIONAL PROVISIONS

Section 12.01 General Transition.

Transition to this charter form of government shall be as prescribed by state law. The commission may provide for such transition by ordinance or resolution not inconsistent with state law or this charter. The provisions of this transition article shall not be published as part of the charter after July 1, 1978.

Section 12.02 Commission Districts.

Until modified in accordance with the provisions of this charter, commission district shall be as follows:

- (a) District number one (1) shall include precincts numbered 4, 5, 6 and 15 as recorded and described in the office of the Carbon County clerk and recorder.
- (b) District number two (2) shall include precincts numbers, 1, 2, 3, 14, 16, 18, 19 and 20 as recorded and described in the office of the Carbon County clerk and recorder.
- (c) District number three (3) shall include precincts numbered 7, 8, 9, 10, 11, 12, 13 and 17 as recorded and described in the office of the Carbon County clerk and recorder.

Section 12.03 Salaries and Expenses.

- (1) The initial expenses of the commission shall be paid by the county on claims signed by the commission.
- (2) Members of the commission shall receive a salary at an annual rate of \$9541.00 until such amount is changed by the commission in accordance with the provisions of this charter.
- (3) Salaries of all other elected county officials and employees shall continue at their present level until the discontinuance of such office or position in accordance with the provisions of this charter, or the change in salary or employment of such officials and employees in accordance with the provisions of this charter.
 - (a) The commission may elect to appoint existing elected officials to serve the remainder of their terms.
- (4) Within four (4) months of the effective date of this charter, the commission shall appoint and hire a county administrator.
- (5) Within three (3) months of the effective date of this charter, the commission shall determine the salaries of elected officials and county employees in accordance with Article II of this charter.
- (6) Within six (6) months of the effective date of this charter, the commission shall provide for a full and complete audit of county books and financial records. This audit shall be performed by a Certified Public Accountant.

Section 12.04 Commission Terms.

- (1) The county commissioner elected on November 7, 1972 shall continue to hold office as a commissioner until his successor is elected in 1978 and qualified in 1979. Such commissioner retains his office under the provisions of section 6(3) of the transition schedule of the 1972 Montana Constitution. Such commissioner shall represent District One (1)
- (2) The remaining two (2) commissioners shall draw lots to establish their respective terms of office at the first meeting of the commission. One (1) commissioner shall serve an initial term of one (1) year and one (1) commissioner shall serve a term of three (3) years.

Section 12.05 Transition Costs.

The county commission shall provide adequate funding for costs attendant to transition to this charter form of government.

Section 12.06 Transition Plan.

(1a) The Study Commission shall prepare a transition plan for orderly transition to a new form of local government. This transition plan for orderly transition shall be prepared and publicized on or before March 1, 1977.

(1b) The transition plan may propose necessary ordinances, plans for re-organization of services and functions, and a plan for re-organization of boards, departments, and agencies, in accordance with the provisions of this charter, law, ordinance or resolution.

We, the Study Commissioners of Carbon County do hereby certify that this is the tentative Proposed Plan of Government approved by the Study Commissioners of Carbon County.

In testimony whereof, we set our hands.

Done at Red Lodge, mt this 27th
day of MAY, 1976.

ATTEST:

Louy A. Zuyan
CLERK & RECORDER OF
CARBON COUNTY

Robert Evertz
Robert Evertz

Elva Loyning
Elva Loyning

Bob Ozinga
Bob Ozinga

Local Government Study Commissioners

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
CARBON COUNTY

If retained by the voters, the government of Carbon County shall be organized under the following provisions of Section 47A-3-205: 1947 Revised Codes of Montana.
Commission Form.

(1)

- (2) (a) (iii)
- (2) (b) (i)
- (2) (c) (i)
- (2) (d) (ii)
- (2) (e) (ii)
- (2) (f) (ii)
- (2) (g)

- (3) (a) (i)
- (3) (b) (i)
- (3) (c) (i)
- (3) (d) (i)
- (3) (e) (i)
- (3) (f) (i)
- (3) (g) (i)
- (3) (h) (i)
- (3) (i) (i)
- (3) (j) (i)
- (3) (k) (vi)

(4)

47A-3-205. Commission Form.

(1) The commission 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 officials, shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials.

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

(a) The commission shall be nominated by districts in which candidates must reside and which are apportioned by population, but elected at large.

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

(c) The chairman of the commission, who may be referred to as the "chairman" shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members on the commission. The chairman shall be elected by the members of the commission from their own number for a term established by ordinance.

(d) The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

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

(f) The size of the commission shall be three (3) members, and community councils to advise commissioners may be authorized by ordinance.

(g) The term of office of the commissioners shall be six (6) years. Other elected officials shall serve four (4) year terms.

(3) The plan of government shall further define the structural characteristics of the form by including the following items. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

(a) A legal officer (called the County attorney) shall be elected.

(b) A law enforcement officer (called the "sheriff") shall be elected.

(c) A clerk and recorder shall be elected.

(d) A clerk of district court shall be elected

(e) A treasurer shall be elected.

(f) A surveyor shall be elected.

(g) A superintendent of schools shall be elected.

(h) An assessor shall be elected.

(i) A coroner shall be elected.

(j) A public administrator shall be elected.

(k) An auditor shall not be included in the form as a separate office.

(4) The plan of government shall authorize general government powers.

We, the Study Commissioners of
Carbon County do hereby certify
that this is the existing Plan

Page 3: Certificate establishing the existing form of Government

of Government as established
by Section 47A-3-205: Revised
Codes of Montana 1947.

In testimony whereof, we set our hands.

Done at Red Lodge, MT. this 27th
day of MAY, 1976.

ATTEST:

Jerry A. Zupan
Clerk & Recorder of
Carbon County

Robert Evertz
Robert Evertz

Elva Loyning
Elva Loyning

Bob Ozinga
Bob Ozinga

Local Government Study Commissioners

CERTIFICATE

ESTABLISHING THE DATE OF THE
SPECIAL ELECTION AT WHICH THE
ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS
OF CARBON COUNTY

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

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

In testimony whereof, we set our hands.

Done at Red Lodge this 27th
day of MAY, 1976.

Attest: Louise J. Zephan
CLERK & RECORDER OF
CARBON COUNTY

Robert Evertz
Robert Evertz

Elva Loyning
Elva Loyning

Bob Ozinga
Bob Ozinga

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT

FOR THE NOVEMBER 2, 1976 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference. The full text of the tentative 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 charter-commission form of government certified in the report of the Carbon County Local Government Study Commission
- For the existing form of government certified in the report of the Carbon County Local Government Study Commission

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

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

In testimony whereof, we set our hands.

Done at Red Lodge this 27th day of MAY, 1976.

ATTEST: Sony J. Zuppan
CLERK & RECORDER OF
CARBON COUNTY

Robert Evertz
Robert Evertz

Elva Loyning
Elva Loyning

Bob Ozinga
Bob Ozinga

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS
OF
CARBON COUNTY

On or before August 1, 1976, Carbon County shall be divided into THREE (3) Districts, approximately equal in population and area, for the purpose of electing members to the County Commission.

We, the Study Commission of Carbon County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Carbon County.

In testimony whereof, we set our hands.

Done at Red Lodge this 27th
day of May, 1976.

ATTEST: Louise B. Zuppan
CLERK & RECORDER OF
CARBON COUNTY

Robert Evertz
Robert Evertz

Elva Loyning
Elva Loyning

Bob Ozinga
Bob Ozinga

LOCAL GOVERNMENT STUDY COMMISSIONERS