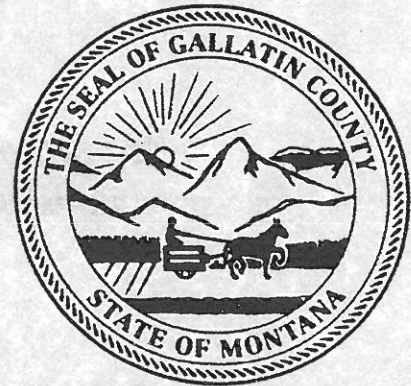


Gallatin County
Study Commission

Final Report on County Government



Prepared by Study Commission Members

- /// Sam Hofman, Chair*
- /// Grace K. Morgan, Vice Chair*
- /// Klaas Tuininga*
- /// Beverly B. Wallace*
- /// Ramon S. White*

August, 1996

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Table of Contents

/// LETTERS TO CITIZENS OF GALLATIN COUNTY

/// SUMMARY OF RECOMMENDATIONS

Findings of the Study Commission –

- Structure & Growth
- Citizen Input

Issues Addressed & Key Provisions

/// COMPARISON OF EXISTING AND PROPOSED FORMS OF GOVERNMENT

Comparing General & Specific Characteristics
Recommendations and Reasons

/// SUPPLEMENTARY RECOMMENDATIONS

Letter to County Commissioners

- I. Road & Bridge Office
- II. Health Department
- III. County Zoning in “Donut” Area
- IV. Employee Knowledge
- V. Citizen Complaints

/// MINORITY REPORT

/// APPENDIX

- Exhibit A: Certificate of plan of existing form of government
- Exhibit B: Certificate of plan of proposed form of government
- Exhibit C: Certificate establishing apportionment plan and map
- Exhibit D: Certificate of establishing election date
- Exhibit E: Certificate establishing form of the ballot
- Exhibit F: Certificate establishing the effective dates of the proposal, if approved

|| GALLATIN COUNTY STUDY COMMISSION ||

Room 303 ♦ Courthouse ♦ 311 West Main ♦ Bozeman, MT 59715
(406) 582-3192

Sam Hofman, Chair Grace Morgan, Vice Chair Klaas Tuininga Beverly Wallace Ray White

August 6, 1996

To the Citizens of Gallatin County & Others Whom It May Concern:

This letter provides official notice that, following the August 6, 1996 public hearing, Gallatin County Government Study Commissioners voted unanimously to adopt the July 16, 1996 *Tentative Report on County Government* as their ***Final Report on County Government***.

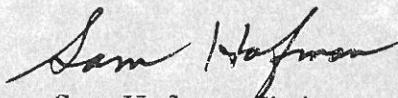
The four recommendations outlined in "Exhibit E. Certificate Establishing Form of the Ballot" will be presented for voter consideration on the Tuesday, November 5, 1996 general election ballot.

Copies of the Commission's ***Final Report on County Government*** are available for public inspection at the County Clerk & Recorder's office, Room 204, Courthouse, 311 West Main, Bozeman or by request when calling the Study Commission office at 582-3192.

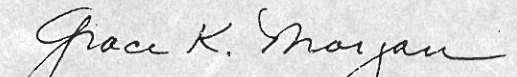
We would like to take this opportunity to thank the voters and taxpayers of Gallatin County for allowing us to serve as their government study commissioners for the past twenty months. We are honored by your trust and sincerely believe that this process and our ***Final Report*** truly represent the views and desires of County residents.

We solicit your support for the proposed changes and encourage you to vote on November 5, 1996.

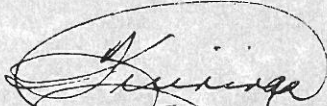
Respectfully submitted for your consideration, we remain, sincerely yours,



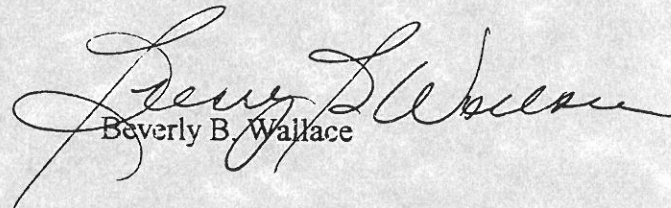
Sam Hofman, Chair



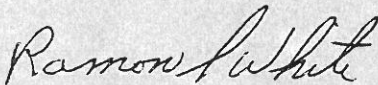
Grace K. Morgan, Vice Chair



Klaas Tuininga



Beverly B. Wallace



Ramon S. White

|| GALLATIN COUNTY STUDY COMMISSION ||

Room 303 ♦ Courthouse ♦ 311 West Main ♦ Bozeman, MT 59715
(406) 582-3192

Sam Hofman, Chair Grace Morgan, Vice Chair Klaas Tuininga Beverly Wallace Ray White

July 16, 1996

To the Citizens of Gallatin County:

The Gallatin County Study Commission elected by the voters on November 8, 1994 present this Tentative Report to you, the citizens of Gallatin County.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is our responsibility to submit a report recommending no change, propose amending the existing form of government, or offer an alternative form of government to the qualified electors.

During the investigative phase of this work, the study commission held extensive interviews with your elected county officers and all department heads, reviewed departmental responsibilities and activities in depth, solicited citizen input at public meetings and from governmental professionals, visited community organizations, and listened to public comments at our own meetings, all of which have been open to the public.

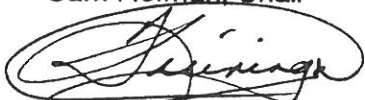
Our recommendations reflect the thoughts and opinions of citizens who participated in public hearings, attended our regular meetings, and responded in writing, in addition to the independent efforts of study commission members.

In this Report we present our recommendations for an alternative form of government that will continue to be responsive to county citizens, flexible for devising solutions to local problems, and allow governmental services to meet both current and future needs. We believe the citizens of Gallatin County can maintain these goals by adopting the commission form of local government and approving the three other options to appear on the November 5, 1996 ballot. We solicit your support for our recommendations.

We invite and encourage you to participate in the **Public Hearing** on this Tentative Report. It will be held on **Tuesday, August 6, 1996 at 7:30 PM in the Belgrade Senior Center**. If you are unable to attend, please send your comments to the address above. It's our continued desire to have this Report reflect the views of all county residents.

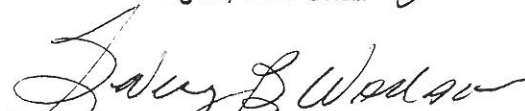
Respectfully submitted by the Gallatin County Government Study Commissioners,


Sam Hofman, Chair


Klaas Tuininga


Ramon S. White


Grace K. Morgan, Vice Chair


Beverly B. Wallace

SUMMARY OF RECOMMENDATIONS

In November of 1994, the voters of Gallatin County elected a study commission to study the existing form of government and compare it with other forms available under state law. After sixteen months of concentrated effort, and having reached these conclusions, in this report we present the following recommendations:

- ◇ Gallatin County should change the present form and adopt, effective January, 1999, the alternate commission form of government which retains three commissioners serving six-year overlapping terms of office.
- ◇ Three questions on sub-options, authorized in 7-3-401 to 7-3-442, Montana Code Annotated, will be submitted to voters. These questions apply only if adoption of alternative commission plan is approved. The questions are: Should Gallatin County –
 1. Nominate and elect commissioners by district of residence or retain current nomination by district with election at large.
 2. Restore surveyor as separate office with position appointed by commissioners or retain elected position consolidated with clerk and recorder.
 3. Change coroner to position appointed by commissioners or retain as elected official.
- ◇ These four recommendations will be submitted to voters of Gallatin County on November 5, 1996.

Findings of the Study Commission

• Structure & Growth

After studying the six forms of local government allowed under state law, study commission members began their review of existing structure and how services are delivered. During this time former and current department heads, including elected officials, gave verbal presentations with written support materials. These nineteen interview sessions covered twenty-three offices of county government. Careful listening and comprehensive questioning provided members with valuable insights into function, structure, future plans, and problem areas within the county.

Their findings also included information on Gallatin County's growth over the past 25 years. Using select data, the following table illustrates a comparison of figures for 1985 and 1995 in six areas.

AREA	1985	1995	% CHANGE
Population	47,600	58,700	+ 23%
Registered Voters	34,652	38,655	+ 12%
Motor Vehicles	49,646	62,870	+ 27%
County Employees (FTE)	251.25	308.88	+ 23%
Revenues Per Capita	\$249.65 (adj.)	\$273.70 (adj.)	+ 10%
Expenses Per Capita	\$241.38 (adj.)	\$241.88 (adj.)	+ .2%
Consumer Price Index (CPI)	107.6	152.4	+ 42%
Total Revenues	\$8,390,211	\$16,065,884	+ 35% (adj.)
Total Expenses	\$8,112,282	\$14,198,534	+ 24% (adj.)

Table 1. County Growth. 1985-1995

Note deserves to be made that local government has experienced a dramatic increase in mandated regulations and guidelines from both federal and state levels with which they must comply, in addition to the budgetary restrictions encountered when voters passed Constitutional Initiative 105.

• Citizen Input

In the four months following the structural review, the study commission invited residents to participate in nine public meetings throughout the county. From West Yellowstone in late October, 1995 through the Churchill/Amsterdam area at the end of January, 1996, members absorbed input from citizens on all aspects of county government. Three joint sessions were held with the Bozeman City Study Commission where similar areas of concern were shared and potential solutions discussed. Public participation was encouraged at all meetings.

Based upon information gleaned during these meetings, written comments received, citizen input directly to members, and their own independent study results, the study commission identified several common issues and began exploring appropriate methods to address these concerns.

Various suggestions were made regarding several elected officer positions. These included increasing county commissioners to five; shortening county commissioner terms to four years; electing officials on a non-partisan basis; eliminating the auditor and superintendent of school positions; consolidating the auditor with the treasurer; and specifying qualifications or requirements for some officers. With assistance provided by the County Attorney, study commissioners researched Montana Code Annotated (MCA) sections to determine if/what changes they could legally propose.

Following discussion on each suggestion and meetings with county personnel, members concluded that, for the most part, the economic and empowerment interests of county residents are best served by retaining the existing elected officials and structure – with two exceptions: surveyor and coroner.

Those changes which fall within their scope of authority and merit voter consideration will be placed upon the November 5, 1996 ballot. All four areas address specific concerns expressed by both citizens and government officials. Except as noted in the Minority Report, study commission members unanimously concluded that approval of these proposals would provide Gallatin County residents with more equitable representation; increased opportunities to participate in local government; and establish options for more accessible, flexible, and responsive government on the county level.

Issues Addressed & Key Provisions

A condensed list of identified needs or issues raised by the public and the manner in which they were addressed by the study commission follows. The areas are not ranked in any certain order, however the key provisions for change are indicated by the shaded boxes.

NEED EXPRESSED / AREA OF CONCERN	ACTION TAKEN OR PROPOSED SOLUTION
<ul style="list-style-type: none"> ◆ <i>More control on local level: Charter form of government</i> ◆ <i>Change <u>form</u> of government</i> 	<p>Extensively studied charters, sought and obtained Montana State Attorney General's opinion on combining commission and charter forms, and drafted a charter for county government.</p> <p>Final decision was not to endorse this form.</p> <p>BALLOT OPTION 1. Proposed adoption of the commissioner form of government. In addition to providing the opportunity for more flexibility in elected offices, it would allow voters various options in how county commission candidates can qualify and who they would represent.</p> <p>VOTERS MUST APPROVE THIS PLAN BEFORE THE OTHER THREE OPTIONS CAN APPLY.</p>
<ul style="list-style-type: none"> ◆ <i>Equalize representation county-wide, especially of rural & agricultural residents</i> 	<p>BALLOT OPTION 2. Proposes three existing county commissioners be elected by voters in their district of residence and from which they are nominated. Each district comprises one-third of the county's population, based upon 1990 census figures.</p> <p>Re-drawing the districts was explored with consensus that the issue will be addressed in the mandated re-definition following census in 2000.</p>
<ul style="list-style-type: none"> ◆ <i>More effective law enforcement county-wide (better coverage by Sheriff Department)</i> ◆ <i>Faster response time to requests for assistance</i> 	<p>Combining various citizen comments, needs, and situations regarding the current system of law enforcement throughout county, members met with staff from Sheriff and police departments, plus interested citizens, for a discussion of common needs, specific problem areas, and potential for inter-local agreements.</p> <p>Consensus of those attending was that current Mutual Assistance agreements combined with each departments' future plans were most effective way to meet needs. The topic of a volunteer Reserve and the niche that the Sheriff's Posse fills were also discussed.</p>

NEED EXPRESSED / AREA OF CONCERN	ACTION TAKEN OR PROPOSED SOLUTION
<ul style="list-style-type: none"> ◆ <i>Use of county road tax dollars for non-road duties</i> ◆ <i>Road Office staff performing subdivision review duties</i> ◆ <i>Better construction and maintenance of county roads and bridges</i> 	<p>During review of the Road & Bridge department, members determined that the Superintendent was spending a large % of his time on administration and tasks not directly related to county roads, including subdivision review.</p> <p>As this position is funded solely by road taxes paid by rural county residents, members worked with the county commissioners to ensure effective utilization of new and proposed Road Office staff. This would allow the Superintendent to focus on the job defined in his position description, including more effective response to needs of county roads and bridges.</p> <p>Their official views on this subject are included in Supplementary Recommendation I.</p>
<ul style="list-style-type: none"> ◆ <i>Contracting out of surveying jobs to private business</i> ◆ <i>Eliminate elected surveyor and appoint a qualified individual.</i> 	<p>The office of county surveyor is currently consolidated with the Clerk and Recorder position. As an elected official, its major function is to sit on the Planning & Zoning Commission. The county currently contracts out the surveying work to various private sector firms.</p> <p>BALLOT OPTION 3. By changing the form of government, eliminating election of this position is possible and would allow the county commissioners to rescind the consolidation and appoint a qualified surveyor. The person could work with both the Clerk and Recorder's office to ensure accuracy of plats, plus assist the Road Office in various projects.</p>
<ul style="list-style-type: none"> ◆ <i>Need for increased efficiency and effectiveness in current structure</i> 	<p>As noted in the narrative, various suggestions were made and addressed by study commissioners regarding several elected and/or non-elected staff positions. Discussion with county commissioners and staff continues to ensure appropriate solutions are mutually agreed upon.</p>

NEED EXPRESSED / AREA OF CONCERN	ACTION TAKEN OR PROPOSED SOLUTION
<ul style="list-style-type: none"> ◆ <i>Make the coroner an appointed position.</i> 	<p>BALLOT OPTION 4. Beginning with information presented by current coroner Dr. Rob Myers, plus additional material and input from other sources, study commission members determined that the public could be better served if this position were appointed rather than elected.</p> <p>Voters do not have the option to change this position's status from elected to appointed under the existing form of government; thus the requirement that Ballot Option I be approved.</p>
<ul style="list-style-type: none"> ◆ <i>Structure and scope of duties by Health Department (both Human Services and Environmental Health offices)</i> 	<p>As the subject of perpetually increasing activities and services provided by staff in the Health Department was frequently raised during meetings, study commissioners explored every available option. Their final conclusion is stated in Supplementary Recommendation II. And reflects their concerns while staying within limits imposed by state law.</p>
<ul style="list-style-type: none"> ◆ <i>Consolidation of services to decrease costs, especially with City of Bozeman</i> 	<p>After a lengthy search of county and Bozeman city records, members identified all existing inter-local agreements. These were jointly reviewed with the Bozeman Government Study Commission. Note was made of the effectiveness of some of them (e.g., 911 emergency system and combining Bozeman/County law enforcement at the Law & Justice Center); however, the 1957 agreement establishing the City-County Planning Board and City-County Health Board agreement came under close scrutiny.</p> <p>In general, members concluded that these agreements were effective. Note was made that the county provides significant financial support for municipal libraries; citizen recreation, health, and safety; and comprehensive communication services.</p>
<ul style="list-style-type: none"> ◆ <i>Bozeman's zoning of county residents in "donut" area</i> ◆ <i>County residents' "taxation without representation"</i> 	<p>This issue was of special interest and received perhaps the most comments during Bozeman area meetings. As a result study commissioners requested the County Attorney to issue an opinion regarding the county commissioners assuming zoning responsibilities within this "donut" area.</p> <p>A complete report of their decision to ask the county commissioners to begin this process is included in Supplementary Recommendation III.</p>

NEED EXPRESSED / AREA OF CONCERN	ACTION TAKEN OR PROPOSED SOLUTION
◆ <i>Better communication within county government</i>	Most county employees making presentations noted that they are not well informed of other departments' function, location, and/or employees, thus they felt inadequate when asked for assistance from citizens. Study commissioners address this in Supplementary Recommendation IV.
◆ <i>Citizen complaints or problems with county employees and job performance</i>	During meetings and one-on-one discussions, study commission members were informed of citizen frustrations and problems with various county employees. As this is a very real need which deserved being addressed, members determined that the most appropriate method which fell within their scope of duties was via a formal recommendation to the county commissioners. Their proposal for effective county response to citizen complaints is outlined in Supplementary Recommendation V

// COMPARISON OF EXISTING AND PROPOSED FORMS OF GOVERNMENT //

Comparing General & Specific Characteristics

When the present State statutes were adopted under Montana's Constitution in 1977 it was decreed that all "old" commission-form governments which did not choose to change would be placed under section 7-3-111 of the Montana Code Annotated (MCA). This current form is defined under Exhibit A. in the Appendix. In order for any other options to be considered, including those that this study commission recommends, adoption of the alternate commission form defined in MCA- Section 7-3-401 is necessary. (See Exhibit B.)

A comparison of both general and specific characteristics for these two forms is shown in the following chart. On the left, the format of the *present elected county official* form of government is listed, while the right column contains the *proposed alternate commission* form. The four areas in which the study commission recommends change are indicated by the shaded areas.

Please note that no change is proposed to the current three member size of the county commission.

PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT
MCA 7-3-111 ELECTED COUNTY OFFICIAL FORM merges legislative, administrative, and executive functions in commission	MCA 7-3-401 COMMISSION FORM
General government powers defined by state law; restricted powers to pass ordinances.	Same
3 member commission	3 member commission
Elected at large, but nominated from district in which they reside, with districts equal in area and population	Nominated and elected by districts in which they must reside; districts apportioned by population
Partisan election	Same
Commission serves 6 year overlapping terms; other elected officials serve 4 year terms	Same
Chairman elected from own members	Same
Commission responsible for executive/administrative functions; administrative powers shared with other elected officials.	Same
County Attorney elected	Same
Sheriff elected	Same
Treasurer elected	Same
Assessor elected; consolidated with treasurer	Same
Clerk of District Court elected	Same
Public Administrator elected; consolidated with clerk of district court	Same
Superintendent of Schools elected	Same
Auditor elected	Same
Clerk & Recorder elected	Same
Surveyor elected; consolidated with clerk and recorder	Shall be separate office appointed by county commissioners
Coroner elected	Shall be appointed by county commissioners
Commission appoints department heads not elected; other employees except those appointed by other elected officials; and members of boards, commissions, special districts	Same
Clerk & Recorder prepares budget with officials and departments; modified and/or approved by commission.	Same
Delivery of services performed by elected officials and appointed boards, commissions, and special districts.	Same
Commission appoints citizens to various boards and commissions	Same

Recommendations and Reasons

Used in 85-90% of United States counties, the proposed commission form would not alter any existing government powers or duties. The basis for this recommendation is to provide voters options for flexibility and an opportunity to tailor the structure of county government to meet existing and future needs. The laws for the existing form do not allow the study commission to propose any changes in the form. Study commission members believe that adoption of the commission form can maintain Gallatin County's state-wide reputation as a leader in policy planning, administrative overview, and fiscal accountability.

While the three-member commission under which the county now operates is by far the best suited to our needs today, flexible enough to move into the future; and has set enviable standards as reachable and knowledgeable, the areas that need attention can only be addressed by voters approving, according to state statute, this change in the form of government.

In order to enlist more support for the commission and hoping to bring the out-lying areas of the county into the governmental process, it is proposed that each of the three commissioners be elected by district rather than by the voters of the county as a whole - the method we use at present. By changing this facet of the election process, it is required that the district be based on population only.

Until the year 2000, when another census will be taken, the three voting districts will remain as they are now. However, at that time, the rapidly growing outlying areas will have a distinct effect on the spread of population, and there should be less possibility that all of the districts could include a portion of the City of Bozeman.

While it is anticipated that the commissioners would continue to work for the good of the whole county, as they do now, it is hoped that electing commissioners by districts would provide the citizens a sense of closeness and increased public participation in county government.

Removal of both the surveyor and the coroner jobs from the ballot and asking the county commissioners to appoint qualified applicants to these positions goes a long way toward professionalizing the offices.

At the present time, there is no one occupying the separate office of the county surveyor, since the position is combined with the clerk and recorder, and the very technical surveying work is contracted to qualified professionals. As the county grows, and there is more and more need for professional service, we recommend that this important office be reinstated and a qualified person be hired by the county commissioners. The costs incurred of contracting for present surveying services would cover the costs of this employee.

The county coroner is another of these very specialized jobs that needs to be filled after a review of qualifications. Our present method of election for this position no longer meets the needs of our modern day sophistication.



SUPPLEMENTARY RECOMMENDATIONS
to the County Commission



July, 1996

Letter to County Commission

Recommendation I.
Road & Bridge Office Issues

Recommendation II.
Health Department

Recommendation III.
County Zoning in "Donut" Area

Recommendation IV.
Employee Knowledge

Recommendation V.
Citizen Complaint Process

|| GALLATIN COUNTY STUDY COMMISSION ||

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Sam Hofman, Chair

Grace Morgan, Vice Chair

Klaas Tuininga

Beverly Wallace

Ray White

July, 1996

Gallatin County Commissioners
Courthouse 311 West Main
Bozeman, Montana 59715

Dear County Commissioners:

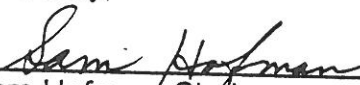
Following are five "Supplementary Recommendations" to our Report on the government of Gallatin County. These Recommendations address issues identified during our eighteen months of study, but which were not appropriate for placing on the ballot for voter approval.

After thoughtful consideration, we identified specific situations and wrote these papers because they relate to concerns raised by the Board of County Commissioners, county employees, and the general public.

These Recommendations reflect our desire to use the opportunity provided us by our elected positions as Study Commissioners and inform you of our findings. Each page is the result of citizen participation in our study proceedings and deserves close attention.

We appreciate your participation in our study of local government and hope that you will give serious consideration to our Recommendations. We look forward to your response.


Sincerely,




Sam Hofman, Chair



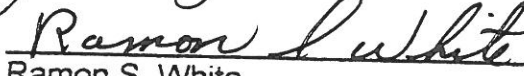
Grace K. Morgan, Vice Chair



Klaas Tuininga



Beverly B. Wallace



Ramon S. White

Gallatin County Study Commission Recommendation I.

Road & Bridge Office Issues

The Gallatin County Government Study Commission recommends to the County Commissioners implementation of the following actions:

- The Road Supervisor spends considerable time (currently recorded at 38%) on reviewing subdivision road plans and other non-related duties. We feel that he is being “spread too thin” and needs to devote all of his time to the primary task – supervision of county roads (employees and equipment). We were impressed with his management of the department and we find no fault with any of his employees.
- We appreciate your recognizing the need for a full time County Engineer and recommend that this position immediately assume responsibility for the department’s subdivision review work, specifically these additional duties currently performed by Sam Gianfrancisco. The Engineer should not, however, perform the actual engineering work, but merely review plans submitted by the professionals as the law requires. We further recommend that only those duties related to county roads be funded by the road fund budget.
- Speed limits throughout the county should be kept at realistic levels that will expedite the flow of traffic. The criteria used to determine speed limits should be followed closely.
- Consider increased use of “YIELD ” signs instead of “STOP “ signs on rural roads. This would let drivers know that they must stop for cross traffic, but does not stop them if there is no other traffic.
- Consider putting load limits on country roads earlier, before they are damaged, and take them off sooner when they are no longer necessary. Also, direct the Sheriff department to enforce the load limit restrictions and curtail excessive vehicle speeds which are damaging the county roads.
- We think Sam Gianfrancisco should do more road and bridge inspections coupled with public relations and promotion.

Gallatin County Study Commission

Recommendation II.

Health Department

The Study Commission closely examined the operations of the present city-county health department, which was created through an interlocal agreement between Bozeman and Gallatin County. The interlocal agreement provides for an appointed city-county health board. The department is administered by a local health officer, who is appointed by the health board. The health board and health department perform functions in two areas: health and human services and environmental health.

The Study Commission recommends that the Gallatin County Commission look into a method of separating the functions of the health department into two departments: one relating to health and human services (which assess health needs while protecting and improving citizen health) and the other relating to environmental health (which is regulatory dealing with environmental impact and prevention.)

The Study Commission recommends that, in this separation, the environmental health functions should come under the jurisdiction of the County Commission. The Study Commission believes that control by the County Commission would result in more accountability in the employees of the environmental health department. It would provide greater accessibility for citizens to their elected county commissioners when citizens feel that their rights have been violated. If the law needs to be changed to accomplish these recommendations, the Study Commission recommends that the County Commission explore the possibility of changing the law. If the County Commission makes no move in this area, then we recommend that the Health Board be increased to an eleven (11) member board, with a minimum of six (6) members being medical providers.

The basis for this recommendation is primarily two-fold: to prevent empire building in the health department and to make our public servants more aware of community feelings and citizens' rights to life, liberty, and property.

Gallatin County Study Commission Recommendation III.

County Zoning in "Donut" Area

Recommendation: The Gallatin County Government Study Commission recommends that the Gallatin County Commissioners act promptly upon County Attorney Opinion No. 96-09 and, with resident involvement, adopt zoning regulations for the "donut" area around Bozeman.

Background: In 1957, Gallatin County and the City of Bozeman created the City-County Planning Board and established its jurisdictional area by a legal description extending beyond the corporate limits of Bozeman.

A Master Plan was proposed by the City-County Planning Board and was adopted by the Gallatin County Commission and the Bozeman City Commission. The Master Plan includes the jurisdictional "donut" area addressed in this recommendation. To retain its viability, the Master Plan has been amended through the years. Though the Gallatin County Commissioners have the final approval for subdivisions in the "donut" area, the County has not adopted any zoning regulations for the area.

Because the City of Bozeman is a first class city, it has authority to extend and enforce its zoning regulations up to three (3) miles outside its boundary, if the County has not adopted zoning regulations in the area. Under the authority of this law, the city of Bozeman has extended its zoning regulations, which must conform with the Master Plan, beyond its corporate limits.

Rationale: During public hearings, the Gallatin County Study Commission heard concerns about planning and zoning in the "donut" area from County residents who can not vote for the City Commissioners who adopt and enforce the zoning regulations that govern them.

The County Government Study Commission asked County Attorney Mike Salvagni for his opinion about the legality of the County Commissioners adopting zoning regulations for the "donut." In Opinion No. 96-09, dated May 6, 1996, County Attorney Salvagni gave his opinion "that the County Commissioners may adopt zoning regulations for the 'donut' area, which will supersede city zoning regulations adopted for the area."

Under Gallatin County's present 'general powers' form of government, the County is required to follow state laws regulating planning and zoning. Even if Gallatin County were to choose self-government powers by a form of government different than the present form or through a charter, the County would still be required to follow state law regulating planning and zoning. A change of government would not grant power to Gallatin County to regulate planning or zoning in the "donut" area different from the provisions of state law.

Conclusion: Upon thoughtful study of the background and rationale as stated above, the Gallatin County Government Study Commission recommends the Gallatin County Commissioners initiate discussion with the City-County Planning Board, the Bozeman City Commissioners and residents of the "donut" area to develop a representative conclusion to the situation. In order to protect and reinstate the rights of the county residents in this area, we recommend that the county adopt zoning regulations and accept responsibility for the administration and enforcement, thus granting these residents the representation they deserve.

Gallatin County Study Commission

Recommendation IV.

Employee Knowledge

Recommendation: The Gallatin County Government Study Commission recommends that the Gallatin County Board of Commissioners implement a systematic method for disseminating information to all county employees.

Background: During our nineteen “overview” presentations covering twenty-three (23) county departments, the presenters provided written responses to several questions and participated in discussions with Study Commission members. Almost without exception, the number one suggestion for improving service to the public was to increase employee knowledge of county government, including staffing, function, and location of other county offices.

The majority of presenters indicated awareness of their “public servant” role and expressed the desire to provide prompt and accurate service. Minimal levels or absence of staff knowledge regarding other county departments was frequently identified as the biggest problem, both for employees and the general public. County Commission efforts via department head meetings were noted, however the need for better “in-house” communication on both vertical and horizontal staffing levels was very apparent.

Specific areas of need included identifying department heads and their job duties; resources or services available from each office; name of person to contact for assistance; and a method to request and/or share information throughout all offices by all personnel.

Rationale: Numerous methods have the potential to combine efficient delivery of services while developing multi-level teamwork and increasing employee confidence. Effective management styles all share a basic concept: Dedicated employees result when the individual’s value is recognized and contribution of ideas is encouraged. Providing equal access through an “in-house” communication process should increase interest and participation as employees assume personal responsibility for information and content.

One resource method that could meet Gallatin County’s existing needs is a newsletter distributed with employee paychecks. The most basic format can easily provide a cost effective, county-wide channel of communication accessible to all personnel.

Employee newsletters, such as Missoula County’s, have proven to be effective for increasing communication and improving employee morale throughout all staffing levels. Their monthly “highlight” of an employee both provides information and serves to personalize that portion of county government.

Conclusion: After consideration of this important issue, the Study Commission has concluded that immediate implementation of an accessible, county-wide “in-house” communication process would meet expressed employee needs and benefit both the staff and residents of Gallatin County.

Gallatin County Study Commission Recommendation V.

Citizen Complaint Process

Recommendation: The Gallatin County Government Study Commission recommends that the Gallatin County Commissioners:

1. address the issue of citizen complaints with all department heads and staff.
2. develop, if necessary, and implement a process for dealing with citizen complaints similar to one suggested in "Rationale" below.
3. begin a public relations campaign with all available sources to publicize actions taken in response to this recommendation.

Background: During the office overviews by county personnel, it was apparent to Study Commission members that those officials and departments heads making presentations sincerely desired citizen input - both positive and negative - regarding their office's procedures and staff job performances. The example by Treasurer Stan Hughes' handling improvements in Motor Vehicle illustrated the benefits of such feedback.

On the other side of the issue, various comments were made during the public meetings, including criticisms, about various county personnel and how they perform - or not perform - their job duties. After lengthy discussion, the Study Commission determined that the issue of job performance is not one which they can directly address, as it is personnel-related and not structurally oriented; however they strongly believe that citizens need to utilize an easily accessible way to express their concerns or complaints.

It was obvious to the Study Commission that there is no real structural problem, merely a lack of communication between county staff and the general public - a communication gap that can easily be aggravated by incomplete reporting of events by the media.

Rationale: No "formal" process is envisioned other than a common sense approach to solving these problems. A few simple steps, such as asking citizens to make sure their complaints are firsthand and factual before approaching the employee's supervisor or other appropriate administrator, are what members have in mind. The test of the process will come by how these are dealt with within the county government structure.

Again, common sense prevails. The public should be encouraged when making a complaint or expressing a concern; receive a courteous, confidential hearing from the employee's supervisor; and be informed of the prompt response or action taken, if necessary.

Including the public relations side of this process could help alleviate future dissatisfaction and rumors regarding how services are delivered by county employees, thus relieving potential problem areas and raising employee morale. Too often the fact that county employees are both "public servants" and taxpaying citizens escapes attention. After all, the basic desire of both employees and the public is an efficient, effective government!

Conclusion: Publicizing a citizen complaint process backed by a cooperative county government effort would benefit everyone.

Gallatin County Study Commission

/// MINORITY REPORT ///

Historically Gallatin County Commissioners have been "elected at-large, but nominated from districts in which candidates reside, with the districts divided in population and area as compact and equal as possible". [MCA 7-3-412 (1)]

The majority of the Gallatin County Study Commission members support the position of changing from the historic method of selecting county commissioners to MCA 7-3-412 (2) which states the commissioners will be nominated and **"elected by districts in which they must reside and which are apportioned by population"**.

Though I strongly support the Study Commission's recommendations to change the statute under which Gallatin County operates from MCA 7-3-111 to MCA 7-3-401 (same commission form of government but allows present and future study commissions and elected officials more freedom to address **organizational** structure) and the proposals to appoint, rather than elect, the surveyor and coroner, **I do not support the election of county commissioners by districts.**

At present, Gallatin County has three county commissioner districts; each has, with no more than a .5% deviation, a population of 17,000. To obtain this even distribution, all districts at this time must come into the city of Bozeman. Though to date it has not happened, this situation could result in all three county commissioners living within the city of Bozeman. The majority of the Study Commission members feel, that with the rapid growth of subdivisions outside the Bozeman city limits, electing by districts would assure at least two commissioners would come from rural Gallatin County. **Though this may well be an accurate prediction, living in rural Gallatin County does not guarantee agri-based individuals will be elected.**

I do not support the majority of the Study Commission in recommending the change to electing by districts for the following reasons:

- 1) As stated above, electing by districts will not insure agricultural interests will be represented on the Commission any better under the proposed change than they are insured under the present method.
- 2) Human beings, regardless of how lofty their ideals may be, are subject to biases. I strongly feel that having three individuals, each responsible to a different audience, creates an environment in which gridlock and less than the best of human nature may prevail. Many examples could be given, but two will suffice.

Example 1: As a result of spring flooding, each commission district experiences a farm-to-market bridge either weakened to the point where it is unsafe or actually washed away. The county has enough reserve to immediately fix one bridge. Which district wins? The situation is bad enough when the Commissioners are elected at-large. If you are responsible to all the voters, not just one-third of them, you are more prone to be objective and cast your vote for the bridge that has more people dependent upon it and/or to come up with substitute ideas/solutions for how best to spend the available money to help the most people.

Example 2: The County Commissioners must approve sub-divisions. The pressures on them between those who want the subdivision and those who do not are often very heavy. What would occur with a highly contested, economically questionable sub-division when only the commissioner who lives in that district is accountable for the decision of the three?

It has been stated that the residents of each district would feel closer and more connected to the Commission if one commissioner is "theirs". This may be true. If so, then I would propose the voters, and future study commissions, explore a five (5) member county commission with three (3) members elected by district and two (2) elected at-large. This could avoid the gridlock in the examples and still provide each district "their commissioner."

I recommend the voters of Gallatin County vote against the proposal to have commissioners nominated and elected by districts in which they must reside. And vote in favor of retaining the present method of electing their county commissioners.

Respectfully Submitted,



Beverly B. Wallace
Gallatin County Study Commissioner

Exhibit A.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

GALLATIN COUNTY

If retained by the voters, the government of Gallatin County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government;

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(1) if the county has elected an auditor;
- (u) 7-3-442(6) if the county has not elected an auditor;

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the ELECTED COUNTY OFFICIAL FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission shall be three and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1). Treasurer. A treasurer shall be elected.

7-3-437 (1). Surveyor. A surveyor shall be elected.

7-3-438 (1). Superintendent of schools. A superintendent of schools shall be elected.

7-3-439 (1). Assessor. An assessor shall be elected.

7-3-440 (1). Coroner. A coroner shall be elected.

7-3-441 (1). Public administrator. A public administrator shall be elected.

7-3-442 (1). Auditor. An auditor shall be elected if the county has elected an auditor.

7-3-442 (6). Auditor. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.

We, the Study Commissioners of Gallatin County, do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST: Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuininga
Klaas Tuininga

Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

Exhibit B.

CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
GALLATIN COUNTY

Upon approval of the majority of voters, the government of Gallatin County shall be organized under the following provisions of Title 7, Chapter 3, Part 4, Montana Code Annotated (MCA).

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(2);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(2);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(2);
- (s) 7-3-441(1);
- (t) 7-3-442(1).

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (2). Selection of commission members. The commission shall be elected by districts in which the candidates must reside and which are apportioned by population.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission shall be three and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1). Treasurer. A treasurer shall be elected.

7-3-437 (2). Surveyor. A surveyor shall be appointed by the local government commission.

7-3-438 (1). Superintendent of schools. A superintendent of schools shall be elected.

7-3-439 (1). Assessor. An assessor shall be elected.

7-3-440 (2). Coroner. A coroner shall be appointed by the local government commission.

7-3-441 (1). **Public administrator.** A public administrator shall be elected.

7-3-442 (1). **Auditor.** An auditor shall be elected.

We, the Study Commissioners of Gallatin County, do hereby certify that this is the proposed Plan of Government as approved by the Gallatin County Study Commission as authorized by Title 7, Chapter 3, Part 4, MCA.

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST:

Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuninga
Klaas Tuninga

Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

Exhibit C.

**CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS**

Districts described by census block with population and deviation from ideal are shown.

DISTRICT	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	16,908	16,866	.25%
2	16,908	17,007	.50%
3	16,908	16,852	.30%

NOTES:

1. Ideal population is calculated by dividing the total 1990 population of Gallatin County by the number of County Commission districts ($50,725 \div 3 = 16,908$).
2. The 1990 population is derived from the U.S. Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

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

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST: Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuninga
Klaas Tuninga

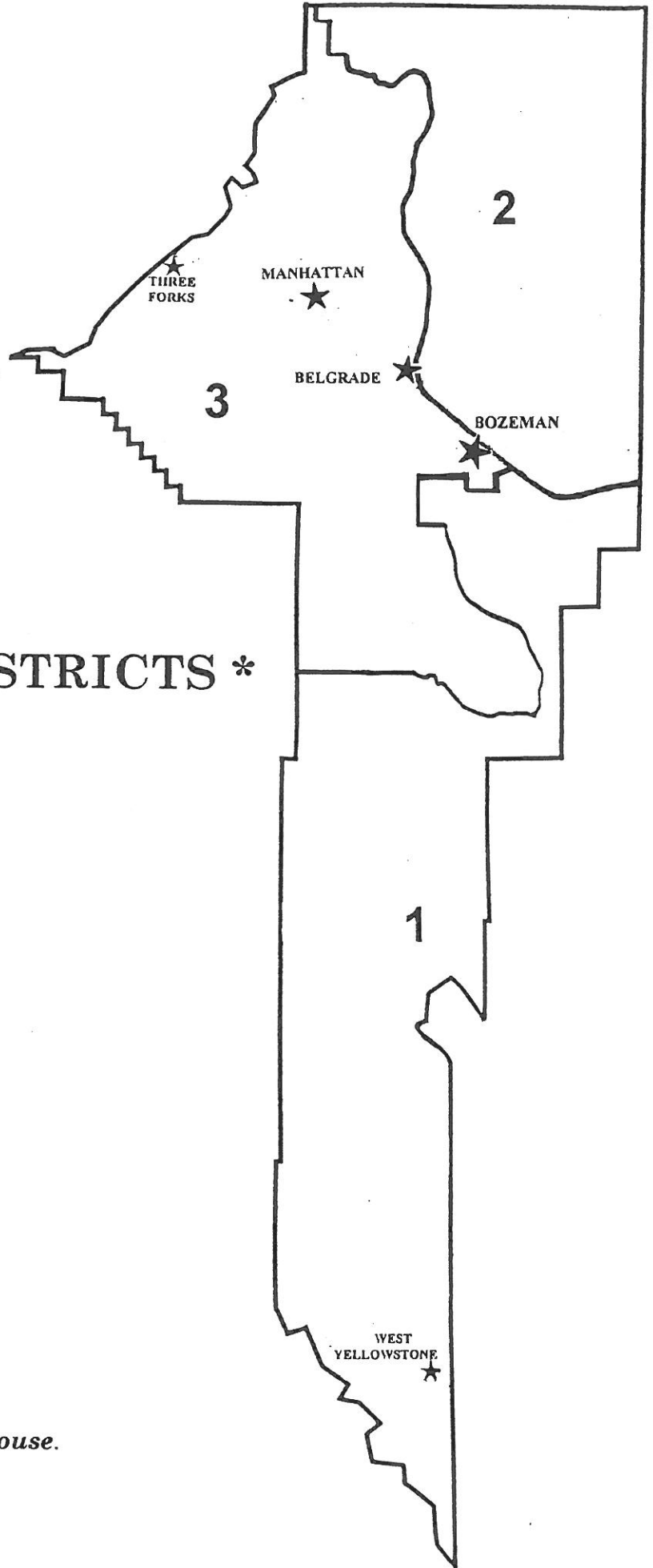
Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

State of Montana

GALLATIN COUNTY

COMMISSIONER DISTRICTS *



* *Not drawn to scale.*
Map of legal boundaries available
at Clerk & Recorder's Office, Courthouse.

Exhibit D.
CERTIFICATE

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

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Gallatin County at a special election to be held with the general election on November 5, 1996.

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

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST:

Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuuringa
Klaas Tuuringa

Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

Exhibit E.
CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT
FOR THE NOVEMBER 5, 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT
ON THE
PROPOSED FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-options also fail. If the proposed form is adopted, the alternatives within a sub-option receiving the highest number of affirmative votes will be adopted and included in the proposed plan of government.

PLEASE VOTE ON ALL ISSUES

1.

Vote for One.

- _____ For adoption of the commission form of government proposed for Gallatin County in the report of the Gallatin County Local Government Study Commission.
- _____ For the existing form of government.
-

SUB-OPTION

2.

Vote for One.

Sub-option to be included in the new form of government, if it is adopted.

The commission:

- _____ Shall be elected by districts in which candidates must reside and which are apportioned by population.
- _____ Shall be elected at large but nominated from districts in which candidates reside, with the districts divided in population and area as compact and equal as possible.
-

SUB-OPTION

3.

Vote for One.

Sub-option to be included in the new form of government, if it is adopted.

A surveyor:

- _____ Shall be a separate office appointed by the county commission.
- _____ Shall be elected.

SUB-OPTION

4.

Vote for One.

Sub-option to be included in the new form of government, if it is adopted.

A coroner:

- _____ Shall be appointed by the county commission.
- _____ Shall be elected.

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

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST:

Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuninga
Klaas Tuninga

Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

Exhibit F.
CERTIFICATE
ESTABLISHING THE DATES OF THE
FIRST PRIMARY AND GENERAL ELECTIONS
FOR OFFICERS OF THE NEW GOVERNMENT
OF GALLATIN COUNTY
IF THE ALTERNATIVE PROPOSAL IS APPROVED
AND ESTABLISHING THE EFFECTIVE DATE OF
THE PROPOSAL IF APPROVED

The effective date of the alternative plan of local government of Gallatin County takes effect when the officers take office at 10 a.m., January 4, 1999.

If the sub-option to elect county commissioners by district is approved, the existing county commissioners shall remain in office until the completion of their terms. If the sub-option to elect county commissioners by district is approved, the county commissioner whose term ends in 1998 shall serve until the end of the term. The office shall be filled by nomination at the primary election on June 2, 1998 and by election at the general election on November 3, 1998. The county commissioner whose term ends in 2000 shall serve until the end of the term. The office shall be filled by nomination at the primary election in June, 2000 and by election at the general election in November, 2000. The county commissioner whose term ends in 2002 shall serve until the end of the term. The office shall be filled by nomination at the primary election in June, 2002 and by election at the general election on November, 2002.

If either or both of the sub-options to appoint the surveyor and coroner is approved, the existing officers shall remain in office until the completion of their terms through 1998. Thereafter, the surveyor and coroner shall be appointed if the relevant sub-option is approved.

We, the Study Commissioners of Gallatin County, do hereby certify that these are the dates of the primary and general elections and the effective date of the alternative plan of local government of Gallatin County approved by the Study Commissioners of Gallatin County.

SEAL

In testimony whereof, we set our hands.

Done at Gallatin County this 16th day of July, 1996.

ATTEST: Shelley M. Cheney
Clerk & Recorder of
Gallatin County

Sam Hofman
Sam Hofman, Chair

Grace K. Morgan
Grace K. Morgan, Vice Chair

Klaas Tuininga
Klaas Tuininga

Beverly B. Wallace
Beverly B. Wallace

Ramon S. White
Ramon S. White

