

REPORT SUMMARY

1.

Findings of the Study Commission

After a thorough study of the Town government including discussions with numerous citizens before, during, and after several public hearings and a review of almost 300 Surveys, the Study Commission found that:

(1) Overwhelmingly, citizens are frustrated with the current form, Commission-Mayor, of government. It was found that citizens feel disenfranchised by the current form of government, feeling as if they have no power or voice when issues need to be addressed or resolved.

(2) The majority of citizens that completed the survey requested to make changes to the current form of city government.

(3) The frustration with the current form of government was key to City employees voting to join the Union for the first time since the City of Hardin was formed. Additionally, City employees were reluctant to speak to Commission members for fear of retaliation following the Mayor's firing of a long time City employee.

(4) Citizen's are upset about how the City spends money (waste) and the constant increases in taxes and fee's, particularly in the lighting and street maintenance districts, in addition to the record number of lawsuits having been filed against the City in the past year.

(5) Overwhelmingly, citizens feel the administrators at City Hall are secretive and not forthcoming with information to them. The Study Commission found some merit in this concern as City administrators were unwilling to work with or provide, information to the commission readily.

2. Recommendation:

In view of the findings, the Study Commission recommends that the City Manager form of government be listed on the November 8, 2016 ballot for voter consideration.

3. Key Provision of the Proposal:

The key provision to the proposal is the addition of the City Manager form of government to the November 8, 2016 ballot.

4. Comparison of the Present and Proposed Forms of Government:

The present form of government, as set forth in "Certificate A," below provides for the Commission-Mayor form of government.

The proposed form of government, as set forth in "Certificate B," before provides for the City Manager form of government.

All other structures and functions of the City of Hardin Government will remain unchanged.

May 11, 2016

To the Citizens of Hardin:

The Hardin Study Commission elected by the voters on November 4, 2014, thereafter appointed, present this final report to you, the citizens of Hardin.

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 the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the town as possible. Opinions and recommendations were solicited from city employees and citizens. All meetings of the study commission were open to the public. Public hearings were held and a survey to gather information regarding citizen concerns was mailed.

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

In this final report we present our unanimous recommendation for an alternative form of government that we feel will provide the governmental services expected by the people 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 opportunity for devising solutions to local problems. We feel the citizens of the City of Hardin can achieve these goals by adopting the City Manager-Commission form with self-government powers.

The question of adopting alternative form of town government will be placed on the ballot November 8, 2016.



Eric Winburn, Chair
City of Hardin Study Commission



Laurie Tschetter, Member
City of Hardin Study Commission

APPENDIX A

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN

7-3-223. Size of commission and community councils. the size of the commission, which shall be a number of not less than three, shall be established when the form is adopted by the voters, and:

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. terms of elected officials. the term of office o elected officials shall be four years.

We, the study Commissioners of the City of Hardin do hereby certify that this date of the special election approved by the Study Commissioners of Hardin, Montana.

In testimony whereof, we set our hands.

Done at City of Hardin, Montana City Hall this 1 day of Aug. 2016.



Gavin P. P. P.

Eric W. W.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: *Michelle Dyckman*

Hardin City Clerk

APPENDIX B

CERTIFICATE

ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN

7-3-223. Size of commission and community councils. the size of the commission, which shall be a number of not less than three, shall be established when the form is adopted by the voters, and:

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. terms of elected officials. the term of office o elected officials shall be four years.

We, the study Commissioners of the City of Hardin do hereby certify that this date of the special election approved by the Study Commissioners of Hardin, Montana.

In testimony whereof, we set our hands.

Done at City of Hardin, Montana City Hall this 01 day of AUG 2016.



Gavin Lybetta

Eric White

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: *Michelle Dyckman*

Hardin City Clerk

CERTIFICATE C

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE AMENDED PLAN OF GOVERNMENT SHALL BE PRESENTED
TO THE ELECTORS OF THE
CITY OF HARDIN

The amended plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Hardin at a special election to be held with the general election on November 8, 2016.

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

In testimony whereof, we set our hands.

Done at the City of Hardin, Montana City Hall this 01 day of AUG 2016.



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LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: *[Handwritten signature]*
CITY OF HARDIN CLERK

CERTIFICATE D

**ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2016 SPECIAL ELECTION**

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

OFFICIAL BALLOT

BALLOT ON THE AMENDED PLAN OF THE CITY OF HARDIN GOVERNMENT

Vote for One

FOR the adoption of the Commission-Manager form of government proposed for the City of Hardin as proposed by the Hardin City Study Commission.

FOR the existing Commission-Mayor form of government.

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

In testimony whereof, we set our hands.

Done at City of Hardin, Montana City Hall this 01 day of Aug 2016



Gavin Lockett
Eric West

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: *Michelle Dyckman*
HARDIN CITY CLERK

APPENDIX A
CERIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN

If retained by the voters, the government of the City of Hardin shall be organized under the following provisions of 7-3-113, MCA which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after may 2, 1977, by the following sections:

- (a) 7-3-201;
- (b) 7-3-2-2(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(2);
- (j) 7-3-218(2)
- (k) 7-3-219(2);
- (l) 7-3-2220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2);

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be four (4).

APPENDIX A (CONTINUED)

**CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT**

FOR THE

CITY OF HARDIN

COMMISSION-EXECUTIVE GOVERNMENT

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

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

- (1) general government powers;

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

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

7-3-204 through 7-3-210 reserved.

APPENDIX A (continued)

**CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN**

7-3-213. Supervision of personnel. The executive may:

(3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees;

7-3-214. Veto power. The executive may;

(2) veto ordinances and resolutions, subject to override by a two-thirds majority vote the commission.

7-3-215. Preparation of the budget. The executive may;

(2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may;

(2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

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

(2) shall be appointed by the executive with the consent of the council;

NOTE: Position consolidated with Clerk as Clerk-Treasurer.

7-3-218. Selection of commission members. The commission shall be;

(2) elected by district in which candidates must reside and which are apportioned by population;

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

(2) nonpartisan basis.

7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

(1) elected by the members of the commission from their own number for term established by ordinance;

7-3-221. Presiding officer of commission. the presiding officer of the commission:

(3) is the executive, who shall decide all tie votes of the commission but may not have another vote)the presiding officer of the commission shall preside if the executive is absent);

7-3-222. Terms of commission members. Commission members shall be elected for:

(2) overlapping terms of office.

APPENDIX B
CERTIFICATE
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN

If approved by the voters, the government of the City of Hardin shall be organized under the following provisions of 7-3-301 , MCA which authorizes the Municipal Commission-Manager form of government.

7-3-114. Statutory basis for municipal commission-manager government. (1) For the purpose of deterring the statutory basis of existing units of local government after May 2, 1977, each unit o local government organized under the general statutes authorizing the municipal commission - manager form of government shall be governed by the following sections:

- (a) 7-3-301;
- (b) 7-3-302(1);
- (c) 7-3-303 ;
- (d) 7-3-304;
- (e) 7-3-305;
- (f) 7-3-313(3);
- (g) 7-3-313(1);
- (h) 7-3-314;(2)
- (i) 7-3-315(2);
- (j) 7-3-316(2);
- (k) 7-3-317(2);
- (l) 7-3-318.

(2) This form has hers of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed five members.

7-3-301. Commissioner - manager form. The commission-manager form, which may be called the council-manager form, consists of an elected commission, which may be called the council, and a manager appointed by the commission, who is the chief administrative officer of the local government. The manager is responsible to the commission for the administration of all local government affairs placed in the manager's charge by law, ordinance, or resolution.

7-3-302. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government by authorizing:

- (1) general government powers;

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of the manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial conditions of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion but may not vote;
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government. (1) Employees appointed by the manager and the manager's subordination must be administratively responsible to the manager;

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of the manager's subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager and neither the commission nor its members may give orders to the employee, either publicly, or privately.

7-3-313. Selection of commission members. The commission shall be;

- (1) elected at large

7-3-314. Type of election. Local government elections shall be conducted on a ;

- (2) nonpartisan basis.

7-3-315. Presiding officer of the commission. The presiding officer of the commission must be;

- (2) elected by the qualified electors for a term of office.

7-3-316. Terms of commission members. Commission members shall be elected for;

- (2) overlapping terms of office.

7-3-317. Size of commission and community councils. the size of the commission, which shall be a number not less than three members shall be established when the form is adopted by the voters, and;

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-318. Terms of elected officials. The term of office of elected officials may to exceed 4 years and shall be established when the form is adopted by the voters.