



# CITY COUNCIL OPERATIONS AGENDA

March 11, 2024 – 5:00 PM | Council Chamber, City Hall

1. **Call Meeting to order:**
2. **Approval of Minutes –**
  - a. Regular Meeting: February 26, 2024
3. **Public Comment – (Limit to three minutes per person)**
4. **Old Business (Public Comment period prior to each topic)**
  - a. None
5. **New Business (Public Comment period prior to each topic)**
  - a. Local Government Review: Forms and Powers of Government - Rob
6. **Staff or Committee Member Concerns or Comments:**
7. **Announcement of the Next Meeting**
  - a. Regular Meeting: Monday, April 8, 2024 at 5pm.
8. **Adjournment**

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## City Council Operations Committee

City Code | Council Bylaws and Policy

### Members

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez

# City Council Operations

# MINUTES

**February 26, 2024 - 5:00PM | Council Chambers, City Hall**

<b>Members Present:</b>	Rob Kersch, Curt Fjelstad, Rian King-Chavez
<b>Members Absent:</b>	None
<b>Mayor:</b>	Absent
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Cyndi Thompson
<b>Public:</b>	None

**1. Call Meeting to Order:**

- a. Chairman Kersch called the meeting to order at 5:00PM

**2. Approval of Minutes: No Meeting October 2023 or January 2024**

- a. August 14, 2023
- b. September 11, 2023
- c. November 13, 2023
- d. December 11, 2023

Chairman Kersch motioned to approve all minutes as presented. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

**3. Public Comment** - Limit to three minutes per person.

- a. None.

**4. Old Business**

- a. None

**5. New Business**

- a. Review Last Times of Local Government on Ballot – Jordan

The Montana State Constitution mandates that every ten years voters of all city and county governments be given the choice to have their current government reviewed. The purpose of a Study Commission as defined in the state law, is "to study the existing form and powers of a

local government and procedures for the delivery of local government services and compare them with other forms available under the laws of the state.”

Council Ops Committee reviewed the City of Deer Lodge Study Commission dated July 25, 2016. This was a review and discussion process no motion was made.

b. Park & Rec Committee – Jordan

Back in 2022 we dissolved the Parks and Rec Committee, finished our Parks & Trails Master Plan and the committee didn't have a meeting for 6 months as there were no agenda items for a meeting. That was a reasonable idea at the time, and it was consolidated into Public Works. Parks and Recreation is a very important especially if we need to look into additional funding sources, grants, other funding sources, and growth. Recommendation from Council Ops to the City Council to bring back Parks & Recreation Committee.

Chairman Kersch motioned to approve Parks & Rec Committee with recommendations to City Council. Member King-Chavez seconded the motion. 3 Ayes, 0 Nos. Motion passed.

c. Committee Goals - Jordan

PREVIOUS GOALS:

- Review City Code of Ordinance for any updates or changes.
- Review employee applications and planning applications for updates and changes.
- Reviewing all applications used within City Hall.
- Goals for Training.
  1. Article 3, Section 5: Time control during the meetings (no rabbit holes)
  2. Section 7: Presentation to Council
  3. Article 3, Section 17: General Rules of Council DebateSuggestion to make up some training materials for Council Members and a quick presentation at the meetings would be beneficial.
- Having MSU come out and do training on specific areas we need training on.

NEW GOALS:

- Review City Code of Ordinance for any updates or changes.
- Review employee applications and planning applications for updates and changes.
- Reviewing all applications used within City Hall.
- Goals for Training.
  4. Article 3, Section 5: Time control during the meetings (no rabbit holes)
  5. Section 7: Presentation to Council
  6. Article 3, Section 17: General Rules of Council DebateSuggestion to make up some training materials for Council Members and a quick presentation at the meetings would be beneficial.
- Having MSU come out and do training on specific areas we need training on.
- Prepare and provide training/training material of Local Government Study Commission.

Chairman Kersch motioned to approve new 5 year goals. Member King-Chavez seconded the motion. 3 Ayes, 0 Nos. Motion passed.

**6. Staff or Committee Comments/Concerns:**

- a. None

**7. Announcement of Next Meeting:**

- a. Monday, March ~~18~~ 11, 2024, at ~~6:00pm~~ 5:00PM

**8. Adjournment:**

- a. The meeting was adjourned at 5:54PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

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Rob Kersch, Chairperson

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Date

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**City Council Operations Committee  
Members**

Rob Kersch (Chair) | Curt Fjelstad | Rian King-Chavez

# ALTERNATIVE FORMS OF LOCAL GOVERNMENT

## Adoption of Alternative Form of Government

### [MCA 7-3-102](#)

Each local government in the state shall adopt one of the alternative forms of government:

1. The commission-executive form (which may also be called the council-executive, the council-mayor, or the commission-mayor form);
2. The commission-manager form (which may also be called the council-manager form);
3. The commission form;
4. The commission-presiding officer form;
5. The town meeting form; or
6. The charter form.

### General Powers

#### Article XI, Section 4, Montana Constitution

##### [MCA 7-1-4124](#)

- A local government unit without self-government powers has general powers:
  - An incorporated city or town has liberally construed powers of a municipal corporation and legislative, administrative and other powers provided or implied by law Art XI, sec 4, Montana Constitution [MCA 7-1-4124](#)

### Self Governing Powers

#### Article XI, Section 4 and 5, Montana Constitution

- A local government unit adopting a self-governing charter may exercise any power not prohibited by the Montana Constitution or charter.
- Self-governing form of government may be initiated by petition; or called by the governing body of the current government unit; or by charter provisions.

### Self-governing Charter

#### Article XI, Section 6, Montana Constitution

##### [MCA 7-3-701](#) – [MCA 7-3-709](#)

- May exercise any executive legislative, administrative power not prohibited by the Montana Constitution, law, or charter.
- Charter shall define powers, structures, privileges, rights, duties and limitations of the local government.

## **Commission – Executive (Council – Mayor, Commission – Mayor)**

- Government Plan: *Self-governing* or *General Government Powers* [MCA 7-3-202](#)
- Elected Commission (Council) and Elected Executive (Mayor) [MCA 7-3-201](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-211](#):
  - Executive *shall* or *may* appoint direct report assistant(s) [MCA 7-3-212](#)
  - Executive has *final, shared, or no* Executive Veto power [MCA 7-3-214](#)
  - Executive *presents to* or *develops with* the Commission a budget [MCA 7-3-215](#)
  - Executive has *exclusive supervision* over boards and departments or *limited by ordinance* [MCA 7-3-216](#)
  - Financial officer (Treasurer) is *elected, appointed, or selected* [MCA 7-3-217](#)
  - Commission members *elected at large, by districts or combination* [MCA 7-3-218](#)
  - *Partisan* or *non partisan* local government elections [MCA 7-3-219](#)
  - *Elected* Commission Chair (by commission) or *selected by ordinance* [MCA 7-3-220](#)
  - Commission presiding officer as *voting, non voting, or tie-vote only chair* or *executive* [MCA 7-3-221](#)
  - Elect commission for *concurrent* or *overlapping* terms in office [MCA 7-3-223](#)
  - Commission size determined by vote, minimum of three (3) commissioners [MCA 7-3-222](#)
  - Elected office terms may not exceed four (4) years, established by voters [MCA 7-3-224](#)
- See also MCA Title 7, Ch. 3, part 41-44

## **Commission – Manager (Council – Manager)**

- Government Plan: *Self-governing* or *General Government Powers* [MCA 7-3-302](#)
- Elected Commission (council) [MCA 7-3-301](#)
- Commission appoints Manager, indefinite term, basis or merit, removed by commission majority vote [MCA 7-3-303](#)
- Manager is the chief administrative officer responsible to the commission for government issues by law, ordinance, or resolution [MCA 7-3-301](#)
- Structural options (voted by qualified electors when form of government adopted) [MCA 7-3-311](#):
  - Members of all boards (except temporary advisory committees) shall be appointed by *chairman/manager with commission consent* or *by commission* [MCA 7-3-312](#)
  - Commission members *elected at large, by districts, or combination* [MCA 7-3-313](#)
  - *Partisan* or *nonpartisan* local government elections [MCA 7-3-314](#)
  - Commission Chair shall be *elected by commission members from their own for a term established by ordinance, or elected by qualified electors for a term, or by ordinance* [MCA 7-3-315](#)
  - Elect commission for *concurrent* or *overlapping* terms in office [MCA 7-3-316](#)
  - Commission size determined by vote, minimum of three (3) Commissioners [MCA 7-3-317](#)
  - Community Councils that advise the commissioners may be *authorized by ordinance* or *a minimum of three (3) members elected from each district* [MCA 7-3-317](#)
  - Elected office terms may not exceed four (4) years, established by voters [MCA 7-3-318](#)
- See also MCA Title 7, Ch. 3, part 41-44

## Commission Government (Commission – Council)

- Government Plan: *General Government Powers* [MCA 7-3-402](#)
- Elected Commission (council) [MCA 7-3-401](#)
- The Commission has all legislative, executive, and administrative duties of local government not reserved by law or ordinance to other elected officials [MCA 7-3-303](#)
- Commission appoints the heads of departments, except those appointed by other elected officials. May transfer executive and administrative powers/duties to departments headed by individual commissioners [MCA 7-3-401](#)
- Commission Chair may be referred to as Mayor, presides over commission and appoints all board and committee members [MCA 7-3-303](#)
- Commission Chair has same weight vote as all other commission members [MCA 7-3-403](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-411](#):
  - Commission members *elected at large, by districts in which candidates must reside and which are apportioned by population, or combination* [MCA 7-3-412](#)
  - *Partisan or non partisan* local government elections [MCA 7-3-413](#)
  - Commission Chair shall be *elected by commission members from their own for a term established by ordinance, or elected by qualified electors for a term, or by ordinance* [MCA 7-3-414](#)
  - Elect commission for *concurrent or overlapping* terms in office [MCA 7-3-416](#)
  - Commission *size determined by vote*, minimum of three (3) Commissioners [MCA 7-3-417](#)
  - Community Councils that advise the commissioners may be *authorized by ordinance or a minimum of three (3) members elected from each district* [MCA 7-3-417](#)
  - Elected office terms may not exceed four (4) years, established by voters (except from under Article XI, section 3 (2) – not to exceed six years) [MCA 7-3-418](#)
- See also MCA Title 7, ch. 3, part 41-44

## Commission - Presiding Officer Government

- Government Plan: *Self-governing or General Government Powers* [MCA 7-3-502](#)
- Elected Commission (council) and a commission chair (presiding officer, mayor or president) [MCA 7-3-501](#)
- Commission elects Chair from their own [MCA 7-3-502](#).
- Commission chair is the presiding officer of the commission and head of the local government; appoints and removes department heads (with commission approval) [MCA 7-3-503](#)
- Commission Chair has same weight vote as all other commission members [MCA 7-3-503](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA 7-3-511](#):
  - Commission members *elected at large, by districts in which candidates must reside and which are apportioned by population, or combination* [MCA 7-3-512](#)
  - *Partisan or non partisan* local government elections [MCA 7-3-513](#)
  - Commission Chair *shall or may* appoint one (1) or more administrative assistant to assist in supervision and operation and answer directly and exclusively to the Chair [MCA 7-3-514](#)
  - Elect commission for *concurrent or overlapping* terms in office [MCA 7-3-515](#)
  - Commission *size determined by vote*, minimum of three (5) Commissioners [MCA 7-3-516](#)
  - Community Councils members that advise the commissioners may be *authorized by ordinance or a minimum of three (3) members elected from each district* [MCA 7-3-516](#)
  - Elected office terms may not exceed four (4) years [MCA 7-3-418](#)

## Town Meeting Government

- Government Plan: *Self-governing* or *General Government Powers* [MCA 7-3-602](#)
- Consists of an assembly of the qualified electors of a town (a town meeting an elected town chair, and an optional elected town mediator [MCA 7-3-601\(1\)](#))
- Form may only be adopted by an incorporated city of less than 2,000 persons and may maintain this form after population increases [MCA 7-3-601\(2\)](#)
- All legislative powers of the town shall vest in the town meeting. The town meeting may enact rules, resolutions, and ordinances [MCA 7-3-601\(3\)](#)
- Shall convene annual town meeting on the first Tuesday in March. Special town meetings may be called by the chair or by a minimum 10% qualified electors [MCA 7-3-603\(1\)](#)
- Only and all qualified electors may attend meetings, participate in discussion, and vote. A quorum is 10% of the qualified electors [MCA 7-3-603\(2,3\)](#)
- Election of town officials shall be by secret ballot, nonpartisan and by plurality by those qualified voters present. All other voting is by simple majority of those qualified electors present and voting [MCA 7-3-603\(4,5\)](#)
- An agenda of the annual and special town meeting and a list of the elective and appointive offices to be filled must be prepared by the town presiding officer and is published two weeks in advance. A particular item may be included to the agenda upon written petition by a minimum of 10% of the qualified electors [MCA 7-3-604](#)
- First agenda of the first town meeting following adoption of this form shall be conducted by the local study commission chair and shall preside over election of town officers [MCA 7-3-605](#)
- The town meeting elects a chair for not less than one (1) year and not more than two years. As chief executive officer, the chair enforces the laws, administers the affairs of the town, reports and makes recommendation at the town meetings [MCA 7-3-606\(1\)](#)
- The chair appoints members of all boards, and appoints and removes all employees of the town.
- Chair supervises all departments and boards [MCA 7-3-606\(2\)](#)
- Compensation of town chair shall be established by ordinance [MCA 7-3-606 \(2i,k\), \(3\)](#)
- Permanent committees to advise the town chair may be established by ordinance. Temporary advise committees may be established by chair [MCA 7-3-607](#)
- Structural Options (voted by qualified electors when form of government adopted) [MCA7-3-611](#):
  - Town meeting shall *elect* a town meeting moderator for one (1) year term or designate town chair to preside over meeting [MCA 7-3-612](#)
  - Town Chair shall or may appoint an administrative assistant answerable solely to the town chair with powers delegated by the town chair [MCA 7-3-613](#)



## Charter Government

- Government Plan: *Self-governing powers* [MCA 7-3-702](#)
- Charter form of government shall be established by a charter which is a written document defining the powers, structure, privileges, rights, and duties of the local government and shall not limit the self-governing powers granted by the constitution and a commission chair (mayor or president) [MCA 7-3-703](#)
- The Legislature provides that procedures for a local government unit to adopt a self-government charter with the approval of a majority of those voting on the question [MCA 7-3-701](#)
- Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions [MCA 7-3-701\(2\)](#)
- Charter may provide that the executive and administrative functions will be performed by one or all members of the legislative body (commission or council) as specified in the voter approved charter 46 A.G. Op. 14(1996)
- Charter provides for an *elected body* (council or commission) or a legislative body consisting of *all qualified electors* [MCA 7-3-704](#)
- Popular vote determines the Charter and it specifies which official of government will be chief administrative and executive officer, method of election, term, powers, duties and grounds for removal [MCA 7-3-705\(1\)](#)
- A charter form of government shall have officers, departments, boards, commissions, and agencies as required in the charter, local ordinance, or required by state law [MCA 7-3-705\(2\)](#)
- Charter specifies effective date and may use partial effectiveness for transition period [MCA 7-3-707](#)
- Charter may not modify local court systems [MCA 7-3-708](#)
- Charter must comply with state established procedures for elections, initiatives, and referendums [MCA 7-3-708\(2\)](#)

**Manager:** A professional executive hired or appointed by a local government to provide managerial and chief administrative functions. Typically, such managers are subject to a contract for services and serve at the pleasure of the local government.

**Mayor or Executive:** The chief elected executive official in a city or town.

**Montana Constitution:** The supreme law of the State of Montana. The people of Montana ratified their Constitution on June 6, 1972. Among its provisions is the requirement that the people be given the opportunity to vote on the question of reviewing their local government(s) at least every ten years.

**Montana State Statute:** The laws enacted by the Montana Legislature and signed by the Governor. The most useful form of the statutes is the Montana Code Annotated (MCA) which can be found at <https://leg.mt.gov/bills/mca/index.html>.

**Politics:** The process of deciding who gets what through a practice of orderly deliberation and decision-making. Decisions are made by the voters or by the people they elect through the political process. Local government review/study focuses primarily on *governance* and not politics.

**Self-government powers:** A local government unit adopting a self-government charter may exercise any power not prohibited by the Montana Constitution, law, or charter. Self-government powers were established in the 1972 Montana Constitution.

This voter information is provided by the League of Women Voters.



Is there a group you know who would enjoy learning about local government review? Have them contact the Missoula LWV.

[missoulalwv@gmail.com](mailto:missoulalwv@gmail.com)

<https://my.lwv.org/montana/league-women-voters-missoula>

Coming to a Ballot Near you . . .

## LOCAL GOVERNMENT REVIEW (LGR)



### An Alphabetized Glossary

**Administrative Power:** Day-to-day government operations, such as licensing, maintaining infrastructure, policing, etc.

**Charter:** Like a constitution, it outlines the legislative, executive, and administrative power of a local government. Provides for "self-government powers" if adopted by the voters.

**City/Town Incorporated:** A municipal corporation created under the laws of the State of Montana with powers to provide services such as policing, roads, emergency response, and with the power to levy taxes.

**City/Town Unincorporated:** A community lacking local government authority that relies on a county to provide its government services.

**Commission or Council:** A group of elected people in a city, town, or county who govern.

**County:** A legal jurisdiction created by the State of Montana to provide government services to both rural and urban populations. Montana has 56 counties.

**Consolidation:** Combining a county and city governments. *Butte-Silver Bow* and *Deer Lodge-Anaconda* are examples of consolidated government.

**Election on Local Government Review.** The ballot question of conducting a local government review and establishing a study/review commission submitted to the electors every ten years. Includes funding for the study, number of study commission members, and specific government (city or county) to be studied.

## Forms of Local Government

Montana State Statute provides for six forms of local government. They are:

**Commission-Executive** form, also known as Council-Executive, Council-Mayor, or Commission-Mayor, consists of an elected Commission (or Council) and one elected executive (Mayor) who is elected at large.

**Commission-Manager** form, also known as a Council-Manager, consists of an elected Commission 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.

**Commission** form consists of an elected Commission or Council. The Commission has legislative, executive, and administrative powers and duties of the local government not specifically reserved for other elected officers, such as Clerk and Recorder or Justice of the Peace.

**Commission-Presiding officer** form consists of an elected Commission or Council and a presiding officer (known as "Mayor" or as "President") elected by the members of the Commission from their own number.

**Town meeting** form consists of an assembly of the qualified electors of a town, an elected town presiding officer, and an optional elected town meeting moderator. Only incorporated cities or towns of less than 2,000 persons may use the town meeting form of government.

**Charter** form is like a county or municipal constitution. Charter provisions establishing executive, legislative, and administrative structure and organization.

**Governance:** The system/structure an organization uses to operate. Includes the mechanisms and rules for making decisions and accountability. Governance is not politics, but the framework in which politics takes place. Local government study commissions focus on the governance structure.

### Important Dates:

**June 4, 2024.** Montana State Primary Election at which the voters will be asked whether they wish to undertake local government review of their County and/or municipality.

**November 5, 2024.** Montana General Election at which local government review commission members are elected (provided the local government study was approved at the Primary Election.)

**June 2, 2026.** Montana State Primary Election at which voters will vote on the recommendations contained in the local government review commission's Final Report.

**Legislative Power:** The government authority to pass laws, adopt budgets and levy taxes.

**Local Government:** The government structure that serves the people of Montana counties, and incorporated cities and towns.

**Local Government Review (or Study):** an examination and evaluation of the current form of local government. The study examines the structure and powers of local government as well as its efficacy in delivering government services to the people.

**Local Government Study Commission: (also known as "local government review commission"):** Citizens elected to conduct a LGR (see above) and make recommendations for the voters' approval.

**Local Government Study/Review Costs.** In establishing the ballot language for the election on LGR, the local government must also provide an amount of the estimated funds required for the Study/Review Commission's work.

LOCAL GOVERNMENT  
REVIEW IS A  
FUNDAMENTAL ISSUE  
OF GOVERNANCE,  
NOT POLITICS.