

To the Citizens of Darby.

Local government study commissions were authorized by the 1974 session of the Montana Legislature to implement the Local Government Article of the 1972 Constitution. The responsibility of the study commission is to "study the form and power of government and existing procedures for the delivery of local government services and compare them with other forms available under the laws of the State of Montana."

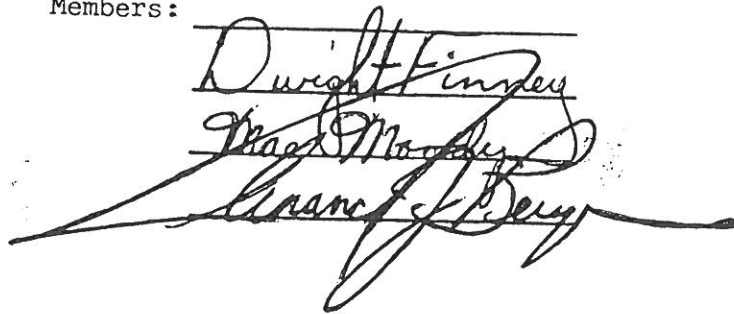
After completing these two phases of the study, it is the responsibility of the study commission to submit an alternative form of government to the qualified electors. An alternative form of government is defined as one "which must differ in some manner from the existing form." We are submitting a modification of the existing mayor-council form of government as the alternative form.

The question on the alternative form of government will be placed on the ballot, November 2, 1976. At that time voters will have the choice of retaining the existing form of government or adopting the alternative form proposed in the report of the study commission.

Respectfully submitted,

Darby Local Government Study
Commission

Members:


Dwight Finney
Mack Mackay
Francis J. Berg

Summary of Recommendations

The Darby local government study commission having thoroughly studied our present form of government and the alternative forms of government available to cities and towns under state law, submit the following:

1. That the mayor-council (also known as commission-executive) form of government with the following modification, be placed on the ballot as the alternative form of government.

a. 47A-3-203, Section 3, Item h: Local government elections shall be conducted on a non partisan basis as provided in this title.

2. The question on the form of government will be submitted to the voters of Darby, in a special election to be held with the general election on November 2, 1976 in the following form:

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.

For adoption of the mayor-council form of government as modified in the report of the Darby local government study commission. (to conduct town elections on a non-partisan basis.)

For the existing mayor-council form of government. (to conduct town elections on a partisan basis.)

Findings of the Study Commission

It is the conclusion of the study commission that the Mayor-Council form can best meet the needs of this town. We have submitted certain changes to comply with the requirements of the law that an alternative form must be placed on the ballot. The voters of this town can decide if these changes are desirable.

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
THE TOWN OF DARBY

retained
If ~~adopted~~ by the voters, the government of the town of Darby shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana, 1947. Commission-executive.

47A-3-203. Commission-executive form.

(1) 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.

(2) The executive shall:

- (a) enforce laws, ordinances, and resolutions;
- (b) perform duties required of him by law, ordinance, or resolution;
- (c) administer affairs of the local government;
- (d) carry out policies established by the commission;
- (e) recommend measures to the commission;
- (f) report to the commission on the affairs and financial condition of the local government;
- (g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (h) report to the commission as the commission may require;
- (i) attend commission meetings and may take part in discussions;
- (j) execute the budget adopted by the commission;
- (k) 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 executives.

CERTIFICATE
ESTABLISHING THE EXISTING FORM OF GOVERNMENT
FOR
THE TOWN OF DARBY
(con't)

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

(a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may appoint, with the consent of the majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.

(c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.

(d) The executive may prepare the budget in consultation with the commission and department heads.

(e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

(f) A financial officer (who may be called the "treasurer") shall be appointed *by the executive with consent of the council.*

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

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

(i) The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

(j) The presiding officer of the commission shall be the executive who shall decide all tie votes of the commission, but shall have no other vote. The chairman of the commission shall preside if the executive is absent.

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

CERTIFICATE.

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR
THE TOWN OF DARBY
(con't)

(l) The size of the commission shall be four members, two members to be elected for each of two districts, and community councils to advise commissioners may be authorized by ordinance.

(m) The term of office of elected officials shall be four (4) years.

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

We, the Study Commissioners of the town of Darby do hereby certify that this is the existing Plan of Government as established by Section 47A-3-203, R.C.M. 1947.

SEAL

In testimony whereof, we set our hands.

Done at DARBY
this 20th day of MAY 1976.

Dwight Finney
Ludaca Bergner
Mae Woody

ATTEST *Evelyn K. Savochka*
MUNICIPAL CLERK OF
Darby

Local Government Study Commissioners.

CERTIFICATE

PROPOSED

ESTABLISHING THE ~~EXISTING~~ PLAN OF GOVERNMENT

FOR

THE TOWN OF *Darby*



If ~~retained~~ ^{*adopted*} by the voters, the government of the town of *Darby* shall be organized under the following provisions of Section 47A-3-203: Revised Codes of Montana, 1947. Commission-executive form.

- (1)
- (2)
- (3) (a) (ii)
- (3) (b) (iii)
- (3) (c) (ii)
- (3) (d) (ii)
- (3) (e) (ii)
- ~~(3) (f) (i)~~ ~~(3) (f) (ii)~~ (3) (f) (ii)
- (3) (g) (ii)
- (3) (h) ~~(i)~~ (ii)
- (3) (j) (iii)
- (3) (k) (ii)
- (3) (l) (ii)
- (3) (m)
- (4) (a)

47A-3-203. Commission-executive form.

(1) 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.

- (2) The executive shall:
 - (a) enforce laws, ordinances, and resolutions;
 - (b) perform duties required of him by law, ordinance, or resolution;
 - (c) administer affairs of the local government;
 - (d) carry out policies established by the commission;
 - (e) recommend measures to the commission;
 - (f) report to the commission on the affairs and financial condition of the local government;

(g) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;

(h) report to the commission as the commission may require;

(i) attend commission meetings and may take part in discussions;

(j) execute the budget adopted by the commission;

(k) 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.

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

(a) The executive may appoint one or more administrative assistants to assist in the supervision and operation of the local government. Such administrative assistants shall be answerable solely to the executive.

(b) The executive may appoint, with the consent of a majority of the commission, all department heads. The executive may remove department heads and may appoint and remove all other department employees.

(c) The executive may veto ordinances and resolutions subject to override by a two-thirds vote of the commission.

(d) The executive may prepare the budget in consultation with the commission and department heads.

(e) The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

~~(f) A financial officer (who may be called the "treasurer") shall be elected.~~

(f) A financial officer (who may be called the "treasurer") shall be appointed.

(g) The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

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

(i) The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

(j) The presiding officer of the commission shall be the executive who shall decide all tie votes of the commission, but shall have no other vote. The chairman of the commission shall preside if the executive is absent.

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

two (l) The size of the commission shall be ^{*four*} ~~(number)~~ members, ~~(number)~~ to be elected from each of ~~(number)~~ *two* districts, and community councils to advise commissioners may be authorized by ordinance.

(m) The term of office of elected officials shall be four (4) years.

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

We, the Study Commissioners of the town of _____ do hereby certify that this is the *proposed* ~~existing~~ Plan of Government as established by Section 47A-3-203: Revised Codes of Montana, 1947.

In testimony whereof, we set our hands.

Done at Darby this 3rd day of Sept 1976



Local Government Study Commissioner

~~SEAL~~
~~Lucy K. Sawochka~~ ~~Dwight W. Finney~~
~~Darby~~ ~~Charles Berg~~
Alice Mae Moody

CERTIFICATE

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

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

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

SEAL

In testimony whereof, we set our hands.

Done at DARBY this 3rd day of September 1976

Attest:

Joseph K. Sawicki
Municipal Clerk of
Darby

Dwight W. Finney
Thomas J. Deegan
Alice Mae Moody

Local Government Study Commissioners

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT

FOR THE NOVEMBER 2, 1976 SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed form of government and of the existing form of government are available at your polling place.

OFFICIAL BALLOT

BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.

For adoption of the mayor-council form of government as modified in the report of the Darby local government study commission. (to conduct town elections on a non-partisan basis)

For the existing mayor-council form of government. (to conduct town elections on a partisan basis)

SEAL

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

In testimony whereof, we set our hands.

Done at DARBY this 3rd day of Sept. 1976

ATTEST: Evelyn K. Sawockha
Municipal Clerk of Darby

Dwight W. Finney
Lance [unclear]
Alice Mae Moody

Local Government Study Commissioners

CERTIFICATE
FOR THE APPORTIONMENT
OF TOWN WARDS

Description of Ward 19

West of highway 93 within the city limits

Population of Ward 19

144 registered voters

Deviation from ideal population

113

Description of Ward 20

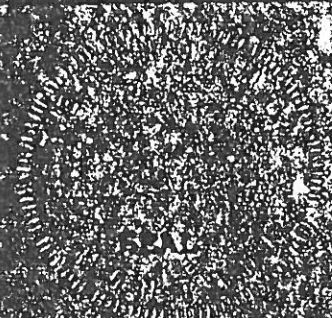
East of highway 93 within the city limits

Population of Ward 20

186 registered voters

Deviation from ideal population

113



Now the Study Commission of DARRY
do hereby certify that this is the
official apportionment plan for town
wards approved by the study commis-
sion of DARRY.

In testimony whereof, we set our hands.

EST: [Signature]
Municipal Clerk of

Done at Darry this 3rd day
of September, 1976

[Signature]
[Signature]
[Signature]

Local Government Study Commissioners