

**TOWN OF ENNIS GOVERNMENT STUDY COMMISSION FINAL REPORT
2014-2016**

To the Citizens of the Town of Ennis:

The Ennis Study Commission elected by the voters on November 4, 2014 or thereafter appointed present this final report to the citizens of the Town of Ennis. There were two commissioners elected on November 4 and one commissioner appointed by the local governing body.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our town government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the Town of Ennis. Opinions and recommendations were solicited from local government officials and community organizations. A Citizen's Input Form accompanied with the Town Charter and a return postage paid envelope was mailed from a Water and Sewer users listing. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion with virtually no response. There was considerable response to the Citizen's Input Forms where data was compiled and evaluated.

As a result of discussions held with the people and groups mentioned and the evaluation of the Citizen's Input Forms the Ennis Government Study Commission has concluded that there is general consensus that the existing Self Governing, Commission Executive with Charter form of government has served the town well since its organization in 1976, and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted,


Commission Chair


Commissioner


Commissioner

Ennis Study Commission



Recommendations and Reasoning

We recommend that the town of Ennis pass a ordinance requiring all appointed and elected commissioners and the mayor to participate in leadership training at least once a year. The funds for such training are already allocated in the budget and there are multiple entities that provide these trainings throughout each year ie:

1. MSU Local Government Center
2. MMIA "Montana Municipal Interlocal Authority"
3. Montana League of Cities & Towns

When commissioners and the mayor are elected or appointed and paid to perform their duties they need specific training in order to function effectively.

The study commission has concerns about the implementation of the amendments to the charter which were voted into the Charter after the 1994- 1996 review.

1. Article IV Elections and Nominations Section 4.02 of Charter: The procedure for holding regular elections and special elections shall be as prescribed by state law. Publication of notice of election shall be had in a newspaper of general circulation in the Town of Ennis by the Town Clerk , according to the laws regulating the election of local officials according to the provisions of the Montana Code Annotated. (Election, November 1996)
2. Article III Mayor Section 3.02 of Charter Powers and Duties of the Mayor (2) (p): have the power to form Advisory Councils and appoint members to Advisory Councils whom from and after June 1, 1997, all such members of the local Advisory Councils shall be bona fide residents within the jurisdictional boundaries of the Town of Ennis during the period of their service on said Advisory Councils. (Election, November 1996)
3. Article VI Employees Section 6.01 of Charter Residency: From and after June 1, 1997, all employees of the local government of the Town of Ennis shall be bona fide residents within the boundaries of Ennis during the period of their employment by the Town of Ennis.

This requirement shall not apply to any employee: who has been recommended by his or her supervisor as having particular or special qualifications for employment; and whose employment has been approved by a super majority of the full council of the Town Commissioners. A super majority shall equal four (4) out of five (5) Town Commissioners. (Election, November 1966)

Due to the fact that the Charter takes precedence and has not been changed by another vote of the people (7-3-103, 7-3-125, 7-3-149), it is our recommendation that the Town of Ennis follow the letter of the law in regards to these issues.

Respectfully Submitted;

Sharon Christensen
Kayle Schabacker
Steve Baden



Montana's Local Government Review
2014-2016
April 14, 2015
Town Hall
Ennis, Montana

The meeting was called to order by Sharon Christensen at 7:10 p.m.

Those present were Sharon Christensen, Gayle Schabarker and Kelly Elser. Steve Badura was absent.

Minutes Approval:

The minutes from the previous meeting were reviewed and approved as presented.

Old Business:

Discussion of agenda.

Town website- we can refer people to be able to retrieve information on different forms of government.

Discussion of interviews- went well.

Town surveys

New Business:

Need to find new administrative assistant.

Our next meeting will be Tuesday, May 19 at 7:00 p.m. at Town Hall

Adjourn – the meeting was adjourned at 7:50 p.m.

Gayle Schabarker, recording secty.

Prepared by Ellen Behar

Montana's Local Government Review
2014-2016
Tuesday, May 19, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Gayle Schabarker, Kelly Elser and Steven Badura.

Call to Order:

The meeting was called to order by Sharon Christensen at 7:04 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the April meeting were reviewed and approved as presented by Gayle Schabarker seconded by Steven Badura.

Old Business:

Town website discussion. Refer website www.ennismontana.org to research 6 other types of government. Town Charter appears on website, Kelly Elser will verify.

New Business:

Discussion of Survey Preparation, Commissioner's Reports and interviews and presentations completed and those still incomplete.

Steven Badura reported that Chamber of Commerce and Fire Department Board have not yet been visited. Discussion regarding waiting until Fall to complete presentations and interviews so the information will be fresh in everyone's mind when the survey is complete and ready to be sent out. Steven Badura discussed the interviews he has already completed. He asked 5 questions and presented Town Charter to each person. Discussed his feedback from interviews. Discussion about how the Commissioner's election could affect this Government Study if a number of new Commissioners are elected.

Sharon Christensen will provide Steven Badura a list of presentations she has completed and approximate number of attendees at those presentations. Sharon discussed her interviews with the Commissioners. Discussion was initiated by Sharon regarding mandatory training classes for

Commissioners. Attorney will be requested to research if this can be put into effect by resolution.

Discussion of Gayle Schabarker meeting with the Lion's Club, they showed great interest in more information. Discussion of other interviews by Gayle were discussed.

Discussion of time frame regarding Survey Preparation. Gayle Schabarker will be preparing Survey questions and suggestions regarding those questions will be discussed at next meeting in June. Discussion of putting survey on town website when completed. Estimated Survey completion August/September 2015. Discussion of potential questions to include residency and voter registration information if allowed.

Discussion regarding Ennis' government was led by Kelly Elser. Ennis has an Executive Commission with Charter type of government. Changes to Charter in previous years was discussed and will be researched by Sharon Christensen and Gayle Schabarker.

Proper posting of meeting notices was discussed and will be researched for possible inaccuracies. Motion was presented regarding bill for administrative services by Sharon Christensen and seconded by Steven Badura.

Administrative Assistant will post all Minutes and documents available on Town website with the assistance of John Moore for easy access by public.

Date of next meeting is scheduled for June 16, 2015 at 7:00 p.m. at Ennis Town Hall.

Adjournment:

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Tuesday, June 16, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Kelly Elser and Steven Badura. Gayle Schabarker was not in attendance.

Call to Order:

The meeting was called to order by Sharon Christensen at 7:10 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the May 19, 2015 meeting were reviewed and approved as presented by Steven Badura seconded by Sharon Christensen.

Old Business:

Town website discussion. Refer website www.ennismontana.org to research 6 other types of government. Kelly Elser verified that Charter does appear on website as "Adopting Ordinance". Elser will discuss with Ginger Guinn (Clerk) to change name for ease of locating it on website.

Discussion regarding Commissioner training programs and monetary compensation.

Discussion regarding the posting of elections in proper locations.

Discussion re: recommending to Council to follow Charter and its current requirements.

New Business:

Survey discussion was tabled as Gayle Schabarker was not in attendance.

Kelly Elser discussed Ordinances and their meaning.

Steven Badura recommended to make a note at the end of the findings for comment on previous commission findings and not being carried out as decided. Sharon will discuss the "residency requirements" for city employees with Judge Behar.

Sharon Christensen requested Kelly Elser to review Charter for items listed and not carried out as intended. Kelly Elser will make notes for her. Sharon Christensen will send Elser's notes to other members for comment and further research.

Sharon Christensen discussed looking at the other forms of government and finding nothing else that would be better served for Ennis.

Adjournment:

The meeting was adjourned at 8:10 p.m. by Steven Badura and seconded by Sharon Christensen.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Tuesday, August 18, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Kelly Elser, Steven Badura and Gayle Schabarker.

Call to Order:

The meeting was called to order by Sharon Christensen at 7:03 p.m.

Pledge was recited.

The Mission statement was read by Gayle Schabarker.

Minutes Approval:

The minutes from the June 16, 2015 meeting were reviewed and approved as presented by Steven Badura seconded by Gayle Schabarker.

Old Business:

Town website discussion. Kelly Elser reported that there is no change in changing Charter name on website as of yet. Gayle Schabarker will stop into Town Hall to discuss with Ginger Guinn regarding the changes and linking to website.

Kelly Elser provided Sharon Christensen with a copy of Charter and highlighted the items that are not being implemented. Discussion regarding some of the items and what action to take.

Gayle Schabarker will speak with Dan Clark (in charge of local government review) regarding changes and will have more to discuss at the next meeting. Gayle will find out about changes from last survey and if they have been taken care of.

New Business:

Survey Questions tabled from previous meeting were completed by Gayle Schabarker and presented at meeting. Most questions were obtained through the Handbook of Montana's Local Government Review.

Comment from Steven Badura was to change question #1 to a different location in survey and that he thought #6 was worded incorrectly. Discussion re: #6 was decided that wording was correct and will remain as written.

Steven Badura commented on #5 indicating that it should be speaking about the actual office of the Mayor/Town Council rather than the person holding that position. All were in agreement.

Further discussion of item #1: Steven Badura questions whether it should be in the survey at all. Sharon Christensen discussed its importance and all agreed that it would remain as written in another location in the survey.

Discussion regarding obtaining Water Bill listing of addresses for survey mailing. All decided that this would be the most complete list available.

Further discussion of survey question #1 decided that it would be moved to #5 position and #7 would be the chart.

Mailing of surveys was discussed. All agreed that it would be sent along with a self-addressed stamped envelope for ease of return and a short note regarding the importance of this survey.

Budget of Governmental Study was discussed and Kelly Elser informed all of the balance in the account and the breakdown of costs (ie. Supplies, materials, publicity/subscriptions, legal services, salary etc.)

Kelly Elser suggested that the budget be submitted to the Mayor at earliest convenience.

Gayle Schabarker will take budget to Town Hall for Mayor on August 19, 2015.

Administrative Assistant will re-type survey questions and chart for review at next meeting.

The next meeting was scheduled for September 22, 2015 at 7:00 pm.

Adjournment:

The meeting was adjourned at 8:45 p.m. by Steven Badura and seconded by Sharon Christensen.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Tuesday, September 22, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Kelly Elser, Steven Badura and Gayle Schabarker.

Call to Order:

The meeting was called to order by Sharon Christensen at 7:10 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the August 18, 2015 meeting were reviewed and approved as presented by Gayle Schabarker seconded by Steven Badura.

Old Business:

Gayle Schabarker reported that he visited with the Mayor, on August 19, regarding Charter/website problem and she advised that it would be taken care of immediately, as of today no changes have been made. Mayor advised that Administrative Assistant will be able to make changes necessary.

Sharon Christensen indicated that she or someone on committee might have to appear at Town Council meeting in October to discuss website problems.

Gayle Schabarker contacted Dan Clark's office for information and left messages but has received no response from him to date.

Kelly Elser discussed changing survey questions to separate sidewalks and street as two separate questions, all agreed and changes will be made to survey by Ellen Behar.

Discussion regarding putting Charter with survey when mailed was agreed upon by all.

Date for work session and mailing is tentatively set for October 6, 2015. Gayle Schabarker will discuss getting assistance from government class at school to help with mailing. Sharon Christensen will arrange to provide pizza and pop for helpers.

Sharon Christensen advised that she spoke with the Judge to inquire about the training of Commissioners, he informed her that they cannot be required to take the classes but merely a suggestion may be made.

New Business:

Administrative Assistant will research copying fees for Charter, questionnaire and coversheet and contact Sharon Christensen with information.

Steven Badura requests getting a copy of new survey with changes before copies are made for mailing. Ellen Behar will make the changes and leave a copy for his review at Town Hall for pick up at his convenience.

Steven Badura will go to Chamber of Commerce for presentation on the importance of this survey and report back.

Work session goals are to stuff envelopes and discuss website.

Adjournment:

The meeting was adjourned at 8:45 p.m. by Gayle Schabarker and seconded by Steven Badura.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
November 20, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Kelly Elser, Steven Badura and Gayle Schabarker.

Call to Order:

The meeting was called to order by Sharon Christensen at 1:35 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the October 20, 2015 meeting were reviewed and approved as presented by Steven Badura and seconded by Gayle Schabarker.

Old Business:

Sharon Christensen discussed the response from Dan Clark (Montana Gov't. Ctr) regarding posting of meetings and he indicated that posting rules are being misinterpreted by Mayor and Clerk. Discussion was had regarding addressing this matter.

Sharon Christensen discovered that the Commissioners can not be required to attend training but it can be recommended that MSU come to Ennis to educate the Commissioners with expenses paid by town.

Sharon Christensen thanked Kelly for his time, going above and beyond as liaison and thanked the government class for all of their help.

Caitin, from the Madisonian, attended the meeting.

All agreed that the response to the survey was better than expected.

Sharon Christensen indicated that she was glad that the Charter was included with the survey and that some actually read it.

Discussion was held about any comments on survey findings:

Gayle indicated that public needs to be at town meetings for correct information.

Sharon thought that comments were helpful even though some used survey as a report card of personalities rather than commenting on system.

Steven indicated that the people seemed happy with the government as it was and that most comments were regarding sidewalk, streets and local law enforcement.

Sharon Christensen discussed historic Charter changes since inception. No vote for any changes at this time. Survey indicated a few requests for changes (no specifics mentioned) to the current system but most seemed happy with current system.

Steven Badura discussed the requests for a more transparent government and more notice.

Sharon Christensen differs with Steven Badura's comments as all are informed that a meeting happens every month. The public is aware that they can attend to learn what is happening.

Kelly Elser discussed water prices in Ennis as some mentioned costly water on survey. Kelly indicated that according to state rates Ennis' water prices are low.

Public Discussion:

Caitlin had no comments.

New Business:

Sharon Christensen asked "have we done our due diligence and can we write the final report"? Are we ready to present the recommendations to the Commission?

Steven Badura agrees that the survey response indicates that the government stay the same.

Kelly Elser and Sharon Christensen asked Caitlin if she had any questions. Discussion was had that survey was for government "type" and no a personality contest.

Discussion was had and decision was made by all to go forward with Final Report.

Adjournment:

The meeting was adjourned at p.m. by Sharon Christensen.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Friday, November 20, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Kelly Elser, Steven Badura and Gayle Schabarker.

Call to Order:

The meeting was called to order by Sharon Christensen at 1:35 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the October 20, 2015 meeting were reviewed and approved as presented by Steven Badura and seconded by Gayle Schabarker.

Old Business:

Sharon Christensen discussed the response from Dan Clark (Montana Gov't. Ctr) regarding posting of meetings and he indicated that posting rules are being misinterpreted by Mayor and Clerk. Discussion was had regarding addressing this matter.

Sharon Christensen discovered that the Commissioners cannot be required to attend training but it can be recommended that MSU come to Ennis to educate the Commissioners with expenses paid by town. Training will enable Commissioners to do the best job for the community and eradicate personality issues.

Steven Badura discussed issue regarding posting notices and making a resolution to change requirements. Question re: does a resolution change the Charter? Consensus is Charter does not change. Steven will call Dan Clark to have Charter changed rather than just a resolution.

Sharon Christensen thanked Kelly for his time, going above and beyond as liaison and thanked the government class for all of their help.

Caitlin, from the Madisonian, attended the meeting.

All agreed that the response to the survey was better than expected.

Sharon Christensen indicated that she was glad that the Charter was included with the survey and that some actually read it.

Discussion was held about any comments on survey findings:

Gayle indicated that public needs to be at town meetings for correct information.

Sharon thought that comments were helpful even though some used survey as a report card of personalities rather than commenting on system.

Steven indicated that the people seemed happy with the government as it was and that most comments were regarding sidewalk, streets and local law enforcement.

Sharon Christensen discussed historic Charter changes since inception. No vote for any changes at this time. Survey indicated a few requests for changes (no specifics mentioned) to the current system but most seemed happy with current system.

Steven Badura discussed the requests for a more transparent government and more notice.

Sharon Christensen differs with Steven Badura's comments as all are informed that a meeting happens every month. The public is aware that they can attend to learn what is happening.

Kelly Elser discussed water prices in Ennis as some mentioned costly water on survey response. Kelly indicated that according to state rates Ennis' water prices are low.

Administrative Assistant will post survey results at the 3 posting locations. Results will remain posted until January 2016.

Motion presented that Sharon Christensen will post survey results and a thank you to the public for participating in the survey in the Madisonian. Motion presented by Gayle Schabarker and seconded by Steven Badura.

Public Discussion:

Caitlin had no comments.

New Business:

Sharon Christensen asked "have we done our due diligence and can we write the final report"? Are we ready to present the recommendations to the Commission?

Steven Badura agrees that the survey response indicates that the government stay the same.

Kelly Elser and Sharon Christensen asked Caitlin if she had any questions. Discussion was had that survey was for government "type" and no a personality contest.

Discussion and decision was made by all to go forward with preparing the Final Report.

Final report will be presented to Commissioners and Mayor at a Town Hall meeting. Sharon Christensen requested that everyone be present at presentation. Survey Commission can be dismissed at Town Hall meeting of April 17 after Final Report is read aloud by Steven Badura.

Adjournment:

The meeting was adjourned at 2.55 p.m. by Sharon Christensen.

Respectfully submitted,

Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Wednesday March 23, 2016
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Steven Badura and Gayle Schabarker, Kelly Elser. Sharon Christensen appeared via telephone conference.

Call to Order:

The meeting was called to order by Gayle Schabarker at 7:22 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the previous meeting were reviewed and approved as presented by Steven Badura and seconded by Gayle Schabarker. Roll call vote approved by all.

New Business:

Final report was read aloud by Steven Badura as written by Sharon Christensen and approved. Motion to approve was seconded by Gayle Schabarker. Roll call vote all agreed.

Discussion regarding recommendations to the Commission

1. Training of Commissioners
2. Proper postings of elections
3. Proper posting of meetings

Discussion regarding research into the question about can a Resolution change the Charter? Motion was brought, by Gayle Schabarker, to have Sharon Christensen contact Ken Weaver for written opinion on recommendations and questions regarding Resolutions. Sharon will report at next meeting. Motion seconded by Steven Badura. Roll call vote all agreed.

Meeting with council in April was tabled and final report should be ready for May meeting.

Adjournment:

The meeting was adjourned at 8:48 p.m. by Sharon Christensen.

Respectfully submitted,
Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Tuesday, April 19, 2016
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Gayle Schabarker and Sharon Christensen. Steven Badura was excused and Kelly Elser did not appear.

Call to Order:

The meeting was called to order by Gayle Schabarker at 7:00 p.m.

Pledge was recited.

The Mission statement was read by Gayle Schabarker.

Minutes Approval:

The minutes from the previous meeting were reviewed and approved by Gayle Schabarker and seconded by Sharon Christensen.

New Business:

Sharon Christensen reported on her conversations with Ken Weaver and Dan Clark. Sharon indicated that Mr. Weaver was very impressed with the outcome.

The information provided by Mr. Weaver and Clark was that Tentative Report and Recommendations and Reasoning should be posted and available to the public. Public Hearing date should be scheduled and posted properly in the local newspaper.

Administrative Assistant will post information at the Library (leaving 6 copies at front desk), Town Hall (leaving 6 copies at front desk) and Post Office. Also, put notice of Public Hearing in Madisonian.

Gayle read Tentative Report aloud.

Sharon and Gayle discussed that Gayle will review Tentative Report, send any comments and/or changes to Sharon for Final Report preparation.

Public Hearing date is set for Tuesday, May 17, 2016, before regular business meeting.

Adjournment:

The meeting was adjourned at 7:45 p.m. by Sharon Christensen and seconded by Gayle Schabarker.

Respectfully submitted,
Ellen Behar, Administrative Assistant

Montana's Local Government Review
2014-2016
Tuesday, May 17, 2016
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Gayle Schabarker, Sharon Christensen and Steven Badura. Kelly Elser did not appear.

Public Meeting

Meeting was called to order at 7:03 p.m. and there were no appearances the public.

The Madisonian Newspaper was present and represented by Caitlin.

Motion was brought by Gayle Schabarker to approve the Final Report and Recommendations and Reasoning, seconded by Steven Badura. Roll call vote: all agreed.

General Meeting

Call to Order:

The meeting was called to order by Sharon Christensen at 7:08 p.m.

Pledge was recited.

The Mission statement was read by Gayle Schabarker.

Minutes Approval:

The minutes from the previous meeting were reviewed and approved by Steven Badura and seconded by Gayle Schabarker.

New Business:

Discussion regarding posting and preparing copies of Final Report, publishing information in local newspaper and certification by Ginger Guinn (Clerk)

Final Report will be read and discussed with Commissioners at meeting of June 9, 2016. Sharon, Gayle and Steven will appear at meeting to discuss findings. Administrative Assistant (Ellen) will request that they be put on Agenda for that meeting. Copies of the Final Report will be provided to Commissioners for review prior to meeting.

Final Report must be filed within 30 days of the Motion to accept.

Adjournment:

The meeting was adjourned at 7:40 p.m. by Sharon Christensen and seconded by Gayle Schabarker.

Respectfully submitted,
Ellen Behar, Administrative Assistant

SUMMARY FINDINGS

ENNIS GOVERNMENT STUDY COMMISSION 2014-2016

To the Citizens of the Town Of Ennis:

The EGSC have found that the present form of government for the Town of Ennis which is a commission, executive self governing, with charter to be serving well and will continue to do so in the future expected growth of the community. This form of government has been in place since 1976 with an amendment to the charter added by vote in 1996. As a result of our study we are recommending no change to the form of government.

EGSC is making a recommendation to the Town Commission for an Ordinance involving mandatory training of commissioners and the mayor on an annual basis which we feel will strengthen the ability of the town to govern.

The second recommendation for the commissioners speaks to following the letter of the law in the amendment to charter voted in by the citizens of Ennis in 1996.

The entire final report and recommendations and reasoning are available at Ennis Town Hall.

Study Comm.
file
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ENNIS GOVERNMENT STUDY COMMISSION

2014 – 2016

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- 2. Final Report**
- 3. Recommendations and Reasoning**
- 4. Mill Levy Expenditure Report**

Montana's Local Government Review
2014-2016
Tuesday, May 19, 2015
Town Hall
Ennis, Montana

Board Members in Attendance: Those present were Sharon Christensen, Gayle Schabarker, Kelly Elser and Steven Badura.

Call to Order:

The meeting was called to order by Sharon Christensen at 7:04 p.m.

Pledge was recited.

The Mission statement was read by Steven Badura.

Minutes Approval:

The minutes from the April meeting were reviewed and approved as presented by Gayle Schabarker seconded by Steven Badura.

Old Business:

Town website discussion. Refer website www.ennismontana.org to research 6 other types of government. Town Charter appears on website, Kelly Elser will verify.

New Business:

Discussion of Survey Preparation, Commissioner's Reports and interviews and presentations completed and those still incomplete.

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Commissioners. Attorney will be requested to research if this can be put into effect by resolution.

Discussion of Gayle Schabarker meeting with the Lion's Club, they showed great interest in more information. Discussion of other interviews by Gayle were discussed.

Discussion of time frame regarding Survey Preparation. Gayle Schabarker will be preparing Survey questions and suggestions regarding those questions will be discussed at next meeting in June. Discussion of putting survey on town website when completed. Estimated Survey completion August/September 2015. Discussion of potential questions to include residency and voter registration information if allowed.

Discussion regarding Ennis' government was led by Kelly Elser. Ennis has an Executive Commission with Charter type of government. Changes to Charter in previous years was discussed and will be researched by Sharon Christensen and Gayle Schabarker.

Proper posting of meeting notices was discussed and will be researched for possible inaccuracies. Motion was presented regarding bill for administrative services by Sharon Christensen and seconded by Steven Badura.

Administrative Assistant will post all Minutes and documents available on Town website with the assistance of John Moore for easy access by public.
Date of next meeting is scheduled for June 16, 2015 at 7:00 p.m. at Ennis Town Hall.

Adjournment:

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Ellen Behar, Administrative Assistant



Ginger Guinn <gingerg@ennismontana.org>

REVISED Study Commission Organization Timeline

1 message

Clark, Daniel <daniel.clark@montana.edu>

Fri, Nov 14, 2014 at 5:21 PM

Reply-To: mmctfoa@sympa.montana.edu

To: "mmctfoa@sympa.montana.edu" <mmctfoa@sympa.montana.edu>, "mtmayors@sympa.montana.edu" <mtmayors@sympa.montana.edu>

Cc: "Harold Blattie (hblattie@mtcounties.org)" <hblattie@mtcounties.org>, "Sheryl Wood (swood@mtcounties.org)" <swood@mtcounties.org>

After consultation with MACo and County Clerk and Recorders we have modified the timeline below. Changes are shown in **RED**.

Here is the timeline for organizing your local Study Commission.

1. 20 days after election day (**day of election certification**) is the deadline to have all open seats filled by appointment (7-3-176 MCA) **no later than December 8**.
 - a. The presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners (7-3-176 MCA)
2. If all seats were filled by election, than 10 days after the day the election results are official (**day of election certification**) the study commission shall meet and organize at a time set by the presiding officer of the governing body of the local government that the study commission is to examine (7-3-179 MCA).
3. If seats were not filled by election, the 10 day window to hold the first meeting begins the day the last Study Commissioner is appointed. **Refer to section #1 above.** ** NOV 22nd*
4. Based on the statutory timelines, all Study Commissions should have been appointed, sworn the oath of office, conducted first meeting, selected the Study Commission's Presiding Officer, set time for next meeting(s) no later than **DECEMBER 18**.
5. Write-in candidates that did not declare their intent to be write-in candidates, must complete a Declaration of Acceptance within 10 days of **election certification**. **No later than November 28**.
6. Study Commissioner Workshop registration closes November 26th. For more information and online registration [HERE](#).
7. Study Commissioner Workshop for Commissioners and Ex Officio members at MSU Bozeman on December 8-9.

8. For legal interpretation of the law, seek competent legal counsel.

It is our non-legal interpretation of 7-3-176(5) & 7-3-179(1) MCA references to "election" or "elected" means the **day of election certification**. We hope this will lower your anxiety and give you more breathing room to accomplish the tasks required to organize your local Study Commissions.

7-3-176. Election of commission members. (1) If the question of reviewing the local government and establishing a study commission is approved, an election to fill the positions on the local government study commission must be held in conjunction with the first regularly scheduled election of the local government conducted after 90 days following the election establishing the study commission. A primary election may not be held.

(2) The names of study commission candidates who have filed declarations of nomination not later than 75 days before the date of the election must be placed on the ballot. There is no filing fee. The election is nonpartisan, and candidates must be listed without party or other designation or slogan. The secretary of state shall prescribe the ballot form for study commissioners.

(3) Candidates for study commission positions must be electors of the local government for which the study commission has been established. The candidates may not be elected officials of the local government.

(4) The number of candidates, equal to the number of study commission positions to be elected, receiving the highest number of votes, which includes votes cast for candidates who have officially filed nominations and votes for write-in candidates, must be declared elected. If there is a tie vote among candidates, the governing body shall decide by lot which candidate will fill the position.

(5) If the number of study commissioners elected is not equal to the number required to be selected, the presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners within 20 days of the **election**. An elected official of the local government may not be appointed.

7-3-179. Organization of commission. (1) Not later than 10 days after all members of the study commission have been **elected** or appointed, the study commission shall meet and organize at a time set by the presiding officer of the governing body of the local government that the study commission is to examine.

(2) At the first meeting of the study commission, the study commission may elect a temporary presiding officer, who will serve until a permanent presiding officer is selected.

The only reference in the MCA to a Declaration of Acceptance (DA) is found in 13-10-204 MCA. I have not come across a boilerplate example of a DA in the files at the LGC. A DA

needs to be filed with the Clerk and Recorder within 10 days of the date of the election (day of election certification).

Here are my thoughts related to this documentation:

1. This is only necessary for Study Commissioners who were elected as undeclared write-in candidates. Those who filed as write-ins already completed a Declaration of Intent which apparently has the same effect. Those appointed by the council need not complete a DA.
2. This does not take the place of the "Oath of Office".
3. Contact your election administrator for specific wording for the DA. IF they don't have it, ask them to ask the Sec of State for appropriate wording.
4. If no response is received from the EA or SOS, ask your city attorney to draft something that would be appropriate.
5. If no response from your CA, then here is suggested wording for use in a DA.

Example

LOCAL GOVERNMENT REVIEW STUDY COMMISSION
OF
COUNTY/CITY/TOWN/ OF _____

MODEL Declaration of Acceptance

State of Montana
 County of _____
 City/Town of _____

I, _____ do accept the position of Voter Review Study Commissioner and agree to fulfill the duties and responsibilities of this position.

Signature _____ **Date** _____
 Study Commissioner

ATTEST:
Signature _____

Title of official administering the oath.

Here are case notes dealing with Declaration of Acceptance.

Case Notes:

Time for Filing Acceptance by Write-In Candidate: Under section 23-910, R.C.M. 1947 (now repealed), which required write-in candidate to file within 10 days after "election", the term "election" meant the day of election and not the day on which the canvass of the ballots was completed; hence a candidate for House of Representatives who filed acceptance 18 days after election was not entitled to a Writ of Mandate to compel the County Clerk to include his name on the general election official ballot. State ex rel. Wulf v. McGrath, 111 M 96, 106 P2d 183 (1940).

Failure to File Acceptance -- Effect of Subsequent Resignation: When a successful write-in candidate at a nominating election failed to file his acceptance within 10 days after election day, his subsequent resignation did not result in a vacancy which the county central committee of his party could fill. State ex rel. Wilkinson v. McGrath, 111 M 102, 106 P2d 186 (1940).

I hope this helps. .

Have a great weekend.

Dan

Dan Clark

Director

MSU Local Government Center

Culbertson Hall 235-A

P.O. Box 170535

Bozeman, MT 59717

Office: [406-994-6694](tel:406-994-6694)

Cell: [406-570-4259](tel:406-570-4259)

2014

Study Commissioner Training

Montana Government Review Process

December 8 - 9, 2014 ▪ Montana State University SUB
Draft Agenda & Registration Information Inside



MONTANA
STATE UNIVERSITY

EXTENSION

Local Government Center

Who Should Attend and Why?

All study commissioners and ex officio members are welcome to attend the training. The Montana voter review occurs every ten years. This training will review roles and responsibilities of study commissioners and discuss the powers and structures of local government and its alternatives. Due to the large time gap between voter reviews, the LGC is providing this workshop to ensure all study commissioners receive adequate training and resources to successfully and confidently complete the 2014-2015 Voter Review.

What to Expect

This training will consist of a series of workshops, discussion panels, and interactive training. Study commissioners will meet their peers, as well as professionals in various fields related to local government.

Training and Reference Materials

During the training, study commissioners will be provided with one 2008 Edition of the *Montana's Local Government Review (Weaver, Mathre)* per group, one Study Commissioner Handbook per participant, one historical local government information packet specific to each commission's jurisdiction per participant, and various handouts from presenters.

Parking on MSU Campus

There is no free public parking on MSU campus, but the LGC will provide all study commissioners with two-day campus parking passes for their vehicles. More specific parking directions are provided under the parking map below.


Study Commissioners' Training 2014

Accommodations

Rooms have been blocked at the Comfort Suites (nights of December 7th and 8th) and the C'mon Inn (night of December 8th) in Bozeman, MT. Both hotels offer government rates. To book a room in one of these blocks, simply call the hotel and let the attendant know that there is a block of rooms under Study Commissioner Training and you would like to book a room in that block. The reservations have to be completed by **November 6, 2014**.

Participants are responsible for their own hotel reservations

Please remember : A government ID will need to be presented to receive the government rate.

 **C'mon Inn:** (406) 587-3555

6139 E Valley Center Rd, Bozeman, Mt 59718

Comfort Suites: (406) 587-0800

2515 Catamount St, Bozeman, Mt 59718

Registration

The registration deadline for the training is **November 26, 2014**. We have provided you two ways to register:

Online: Participants may register online at http://store.msuextension.org/Products/Voter-Review-Study-Commissioner-Training-2014_7017.aspx

Cancellation Policy

If a participant need to cancel his or her registration, an electronic written request to cancel must be submitted to the Local Government Center by 5:00 pm on *Monday, December 1st, 2014*. After this deadline no refunds can be given.

Fee:

\$225/participant

What does it cover?

- Registration for the 2-day training
- Admission to the reception at the Museum of the Rockies
- One Montana Local Government Review book per group (\$25.00 value)
- One Voter Review Handbook per participant (\$25.00 value)
- 2-day MSU parking permit
- Messenger bag
- Reference material handouts
- Lunch and light refreshments both days

Draft Agenda

Monday, December 8:

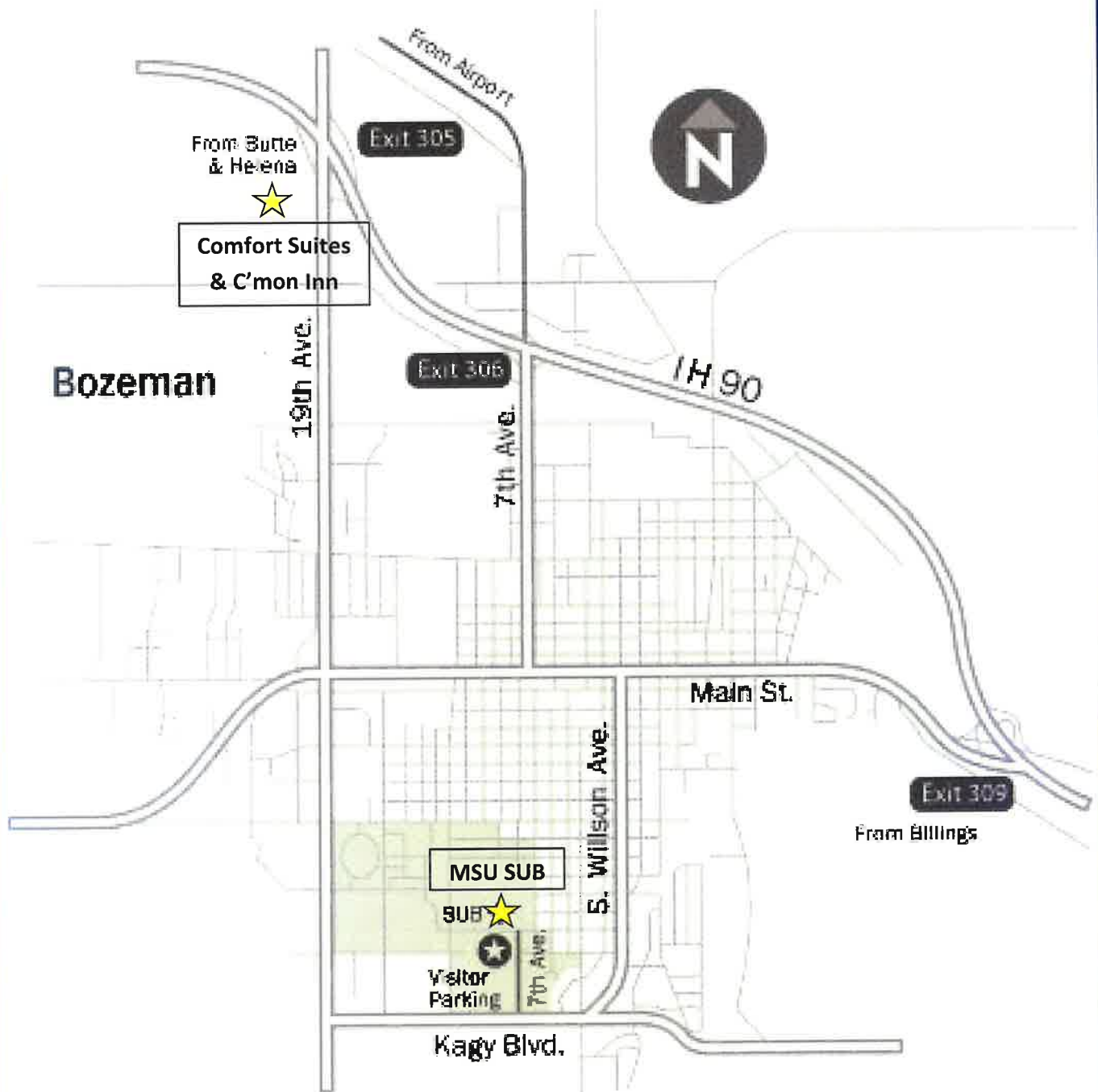
11:00 – 1:00	<i>Registration, Strand Union Building SUB Ballroom</i>
12:00 – 12:30	<i>Lunch (Plated meal) – Please be seated by 12:00</i>
12:30 – 12:40	<i>Welcome and Workshop Orientation</i>
12:40 – 1:00	<i>Welcome to Bozeman</i> <i>Welcome to Montana State University</i>
1:00 – 1:20	<i>Keynote Speaker</i>
1:20 – 2:00	<i>Government Review – Purpose, Powers, Limitations of Study Commissioners</i>
2:00 – 3:00	<i>Issues Confronting Montana's Local Governments – Panel Discussion</i>
3:00 – 3:15	<i>Break</i>
3:15 – 4:00	<i>Local Government Powers, Alternative Forms and Statutory Sub-options</i>
4:00 – 5:30	<i>Breakout Session to Discuss the Structures, Powers, Strengths and Weaknesses of Alternative Forms of Local Government – Panel Discussion</i>
5:45 – 7:00	<i>Study Commission Social - Museum of the Rockies</i> <i>Cash bar and heavy hors d'oeuvres</i>

Draft Agenda

Tuesday December 9:

8:00 – 8:10	Welcome Back
8:10 – 8:40	Keynote Speaker
8:45 – 10:00	Breakout Sessions to Review and Discuss Study Commission Process -Why and How to Write a Charter -Government Consolidation, Service Consolidation Issues, Supplementary Reports -Timeline, Report Writing and Ballot Language -Community Engagement Strategies
10:00 – 10:15	Break
10:15 – 11:30	Voter Review: Lessons Learned From 2004 – A Panel Discussion with Former Study Commissioners
11:30 – 11:50	MSU Resources Available to Study Commissions for Moving Forward
11:50 – 12:00	Closing Remarks and Workshop Evaluation
12:00 – 12:30	Box Lunch

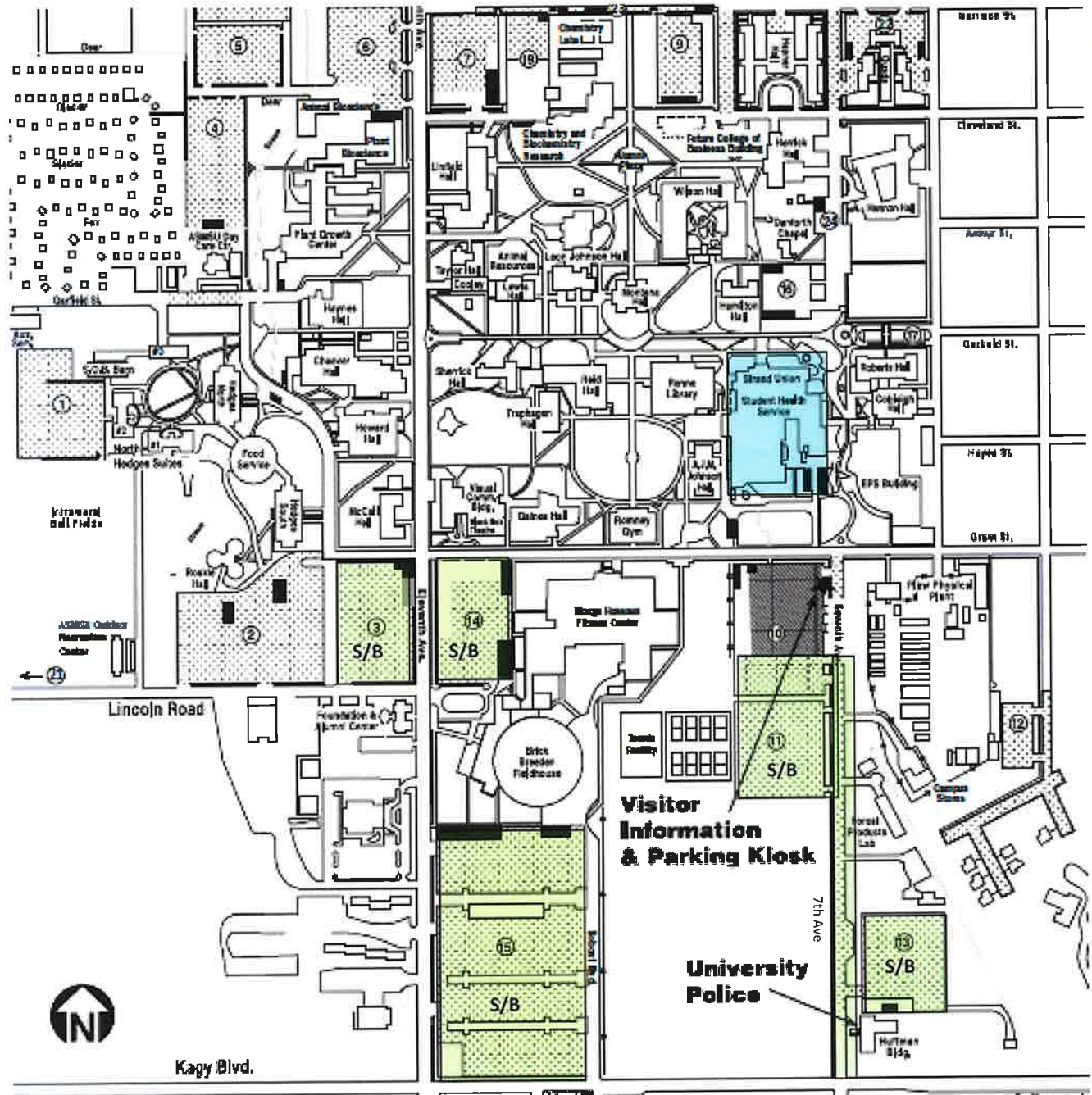
Bozeman Map



From Interstate 90 to hotels:

- ◆ Take Exit 305
- ◆ Turn left onto 19th Ave
- ◆ Turn left onto Valley Center Dr at light
- ◆ The C'mon Inn will be on the right after approximately 0.3 miles
- ◆ For the Comfort Suites, continue past the C'mon Inn and turn left onto Catamount St
- ◆ The Comfort Suites will be on the left

MSU Campus Map



From hotels to SUB:

- ◆ Drive south on 19th Ave approximately 3.5 miles
- ◆ Turn left onto Kagy Blvd and drive for approximately .75 miles
- ◆ Turn left onto 7th Ave
- ◆ Park in any available S/B parking slot—highlighted in green above (do NOT park in visitor parking as it will require additional daily expense)
- ◆ Walk to the Strand Union Building (SUB) - highlighted in blue above

Registration Form

Registration Deadline: November 26, 2014

TWO easy ways to register:

1. Register online by going to http://store.msuextension.org/Products/Voter-Review-Study-Commissioner-Training-2014_7017.aspx
2. Fill out this form and send with payment for \$225.00 to:

Local Government Center ~ PO Box 170535, Bozeman, MT 59717

If registering multiple participants via mail, please fill out a separate form for each participant. Payment may be in the form of one check for the group.

To calculate the total payment due: \$225.00 X number of participants.

NAME _____

COUNTY/MUNICIPALITY _____

OFFICE ADDRESS: _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____ EMAIL _____

FOOD ALLERGIES/ DIETARY RESTRICTIONS _____