

RESOLUTION 24-11184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, Section 7-3-173(2), MCA, requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, Section 7-3-184, MCA, provides for the support of the study commission, for each fiscal year that the study commission is in existence, and the city shall appropriate \$200,000.00 (the equivalent of approximately 0.74 mills) to fund the study, and the local government may levy mills in excess of all other mill levies authorized by law to fund the appropriation for the support of the study commission. Upon termination of the study commission, unexpended money reverts to the general fund of the City of Billings.

WHEREAS, the Billings City Council is the governing body of the City of Billings and therefore must call for the election required by Section 9, Article XI of the Montana Constitution and Section 7-3-173, MCA, on the question of conducting a local government review and establishing a study commission.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. The City Council of Billings hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of seven members shall be elected at the general election of November 5, 2024.

3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

[] FOR the review of the government of the City of Billings and the establishment and funding, not to exceed \$200,000, of a local government study commission consisting of seven members to examine the government of the City of Billings and submit recommendations on the government.

[] AGAINST the review of the government of the City of Billings and the establishment and funding, not to exceed \$200,000, of a local government study commission consisting of seven members to examine the government of the City of Billings and submit recommendations on the government.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 26th day of February, 2024.

CITY OF BILLINGS:



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

City Council Regular

Date: 02/26/2024
Title: Resolution calling for election on the question of a local government review - June 4, 2024
Presented by: Gina Dahl
Department: Legal
Presentation: No
Legal Review: Yes
Project Number: N/A

RECOMMENDATION

Staff recommends the Council approve the attached Resolution which submits the issue of local government review to the City's registered voters during the June 4, 2024, primary election, containing the ballot language and establishing a seven member Study Commission.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Montana Constitution, Article XI, Section 9, and MCA Section 7-3-173 provides that each local government's registered voters must be given the opportunity at least every ten (10) years to review their form of government. City voters will decide whether to review the current form of government at the primary election on June 4, 2024. If a majority of voters choose to conduct the review, Local Government Review Study Commissioners will be elected at the general election on November 5, 2024.

The Council Operations Committee is recommending the attached Resolution establishing the size of the local government review study commission at seven (7) with a total budget of \$200,000 over two years. In communications throughout the state, most of the larger cities are establishing their own commissions with either 5 or 7 members with budgets of \$150,000 or \$200,000. Yellowstone County has established a board of 7 with a \$490,365 budget.

ALTERNATIVES

City Council may:

- Approve; or,
- Amend.

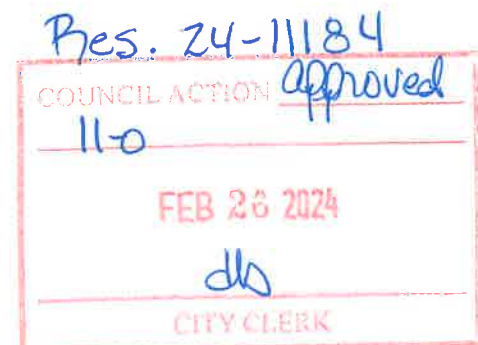
Council must pass a resolution calling for an election as required by the Montana Constitution and state law. Council only has discretion to modify the budget and the number of members of a Study Commission.

FISCAL EFFECTS

Per state statute, the Council must determine and appropriate a budget to fund the study. The amount appropriated will need to come from general funds or Council may levy additional mills as authorized by MCA Section 7-3-184(2) (a). The enclosed Resolution sets the total budget not to exceed \$200,000.00

Attachments

LGR Calendar
 LGR Timeline
 Resolution





Montana Secretary of State Christi Jacobsen
Elections and Government Services
2024 Local Government Review Information

Frequently Asked Questions

Q. What is the Local Government Review election?

A. Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. If your city or county government has held a Local Government Review election any time after the 2014 general election until now, you should consult with your county attorney regarding your responsibility.

Q. Where can I find the laws on the Local Government Review election?

A. The applicable laws, 7-3-171 through 7-3-193, MCA, are found at http://leg.mt.gov/bills/mca_toc/7_3_1.htm.

Q. Does the Local Government Review election apply only to city governments?

A. No, local governments have been defined to include **both** city and county governments.

Q. Is it a requirement that the governing body call for a local government review?

A. Yes. As required under 7-3-173(2), MCA, "The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission " A governing body shall call for an election on Local Government Review by March 11, 2024.

Q. Who pays the cost of putting the local government review question on the ballot?

According to 13-1-302, MCA, each jurisdiction shall pay their proportionate cost. The county will bill the municipality for their proportionate cost, which cannot include the services of the election administrator or capital expenditures. The proportionate costs shall be only those **additional costs** incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

For uniformity purposes, those costs should be;

- any extra ballot costs,
- any extra equipment programming costs,
- any extra advertising costs, and;
- any other additional costs incurred because the municipal ballot issue appears on the primary ballot **and** the municipal local government review candidates appear on the general election ballot, if applicable.

Q. What exactly will voters be asked to decide at the June 4 Primary?

A. The ballot language is to be substantially as follows, under Section 7-3-175, MCA:

[] FOR the review of the government of (*insert name of local government*) and the establishment and funding, not to exceed (*insert dollar or mill amount*), of a local government study commission

consisting of *(insert number of members)* members to examine the government of *(insert name of local government)* and submit recommendations on the government.

[] AGAINST the review of the government of *(insert name of local government)* and the establishment and funding, not to exceed *(insert dollar or mill amount)*, of a local government study commission consisting of *(insert number of members)* members to examine the government of *(insert name of local government)* and submit recommendations on the government.

Q. What happens if a voter is eligible to vote in the county election and in the city election?

A. Since the local government review election is for cities **and** counties, an elector who lives within the city limits will be presented with the question of whether to hold a local government review election twice (once for the county of residence and once for the city of residence.)

Q. Do we have to report the results to the Secretary of State's Office?

A. Even though you do not provide the canvass for other local election results to the Secretary of State, according to Section 7-3-174(2), MCA, the election administrator shall report the results of the local government review ballot question and the results of the election of commissioner members (if applicable) to the Secretary of State within 15 days of the official canvass. The report of results will have to be filed 15 days after the primary election canvass, and 15 days after the general election canvass (if applicable).

Q. How many commission positions will be open after the primary, if the voters choose to have a commission?

A. Under Section 7-3-177, MCA, the study commission must be an odd number of not less than three members, determined by resolution.

Q. When will candidate filing open and close?

A. If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close **August 12, 85 days before the general election.**

Q. Where are the candidate filing forms?

A. Declaration for nomination forms can be found on the Secretary of State's website.

Q. Is this a partisan election? Will there be a primary? Are filing fees required? Can election officials of the local government be candidates for the study commission?

A. According to Section 7-3-176, MCA, the election is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, the candidates are not permitted to be elected officials of the local government.

Q. Does a person have to live within the jurisdiction being studied to be a candidate?

A. Yes, candidates for study commission positions must be electors of the local government for which the study commission has been established. Candidates may not be elected officials of the local government.

Local Government Review Calendar

DATE	ACTION	MCA SECTION
March 11, 2024	Deadline for governing bodies to call for local government review	<u>7-3-173(2)</u>
June 4, 2024	Primary election citizens vote on whether or not they want to conduct local government review	<u>7-3-173(2)</u>
No later than June 18, 2024	Results canvassed and returned as provided in Title 13; beginning of study commission candidate filing (assuming vote is in favor of study commission)	<u>7-3-174(1)</u>
July 3, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the date that the results become official)	<u>7-3-174(2)</u>
August 12, 2024	Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m. (assuming vote is in favor of study commission) **No filing fee **Nonpartisan declaration **No primary	<u>7-3-176(2)</u>
November 5, 2024	Election for study commissioners	<u>7-3-176</u>
No later than November 19, 2024	Results to be canvassed and returned as provided in Title 13	<u>7-3-174(1)</u>
December 4, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the official canvass)	<u>7-3-174(2)</u>

SAMPLE NOTICE

NOTICE OF LOCAL GOVERNMENT REVIEW ELECTION

At the June 4th primary election, voters in the cities/towns of _____ and _____ County will be asked whether or not they wish to have their form of local government reviewed.

The local government review was initiated by Article XI, Section 9 of the 1972 Constitution and the first review was conducted in 1974. Required every ten years, the local government review election asks voters to decide if they want to elect study commissions to review their city and county governments.

If a majority of the electors vote in favor of having a study commission to examine the form of local government, the study commission members will be elected at the November 5th, 2024 general election.

Interested individuals can file after the primary election as a candidate for the study commission with the County Election Administrator. There is no filing fee, and the race is nonpartisan. Candidates must be electors of the local government for which the study commission has been established and cannot be elected officials of the local government. Filing for the positions of study commission members will open after the primary election results are certified and close at 5:00 p.m. on August 12, 2024.

The purpose of the study commission is to study the existing form and powers of the local government and compare them with other forms available under the laws of the state. The study commission members must write a report detailing their recommendations for changes to the local government.

The final report of the study commission is presented to the voters of the local government for approval or rejection. The report must be presented to the registered electors for a vote no later than the 2026 general election (November 3, 2026).

For more information on this election, please contact your county election administrator. A complete list of county office information can be found [here](#).

MONTANA'S 6TH LOCAL GOVERNMENT REVIEW – TIMELINE
Montana Code Annotated Title 7, Chapter 3, Part 1 (MCA 7-3-171 – 7-3-193)

February 2024

Adopt resolution to place on the ballot the question of establishing a study commission that includes number of commissioners and amount of funding not to exceed \$X,XXX (MCA 7-3-173 & 7-3-175).

June 2024

Local Government Review election on the question of establishing a study commission (MCA 7-14-173). Ballot measure passes with a majority of those voting on the question.

July-August 2024

Citizens file with county election administrator to be a study commission candidates (MCA 7-3-174). MSU Local Government Center connects with mayor/manager or chair of county commission in jurisdictions that elect to conduct a Local Government Review to provide training and support.

November 2024

Election or appointment of Study Commissioners (MCA 7-3-174 & 7-3-176).
Study Commissioners take office the day the election is declared or certified (MCA 7-3-178) Ex-officio member is appointed by the governing body, must be a current elected official or employee of the local government (MCA 7-3-177).

November/December 2024

Within 10 days after taking office the Study Commission meets to organize. Date set by the presiding officer (mayor/manager or chair of board of county commission), swear in, elect temporary presiding officer until a permanent presiding officer is selected. Discuss when, where, how to meet, develop budget, decide whether to cooperate with another jurisdiction and consider consolidation or collaboration of services (MCA 7-3-179 & 7-3-180).

December 2024

MSU Local Government Center hosts study commissioner training.

December 2024 to November 2026

MSU Local Government Center, Montana Association of Counties, Montana League of Cities and Towns, etc. supports study commission with technical assistance, training and community engagement.

Study Commission reviews power, form, and plan of government. Either chooses “no change” or makes recommendation to voters by November election in 2026 (MCA 7-3-192 and 7-3-149). Within 60 days of adoption of the Local Government Review report, submits reports to appropriate agencies and publishes findings (MCA 7-3-187 through 191).

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ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 12 day of February, 2024.

THE CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise Bohlman, City Clerk