



## TEN-YEAR REVIEW OF MONTANA LOCAL GOVERNMENTS

**By the Local Government Review Study Committee  
of the League of Women Voters of the Helena Area**

**January 25, 2024**

Voters of the City of Helena and Lewis and Clark County will be given an opportunity at the June 4, 2024, Montana State primary election to look more closely at their local government. This ballot question asks if citizens should form a commission to study and evaluate the success of the current form of city and county governments in providing services to the people. Article XI, Section 9 of the Montana State Constitution requires every county and municipal government to hold an election addressing the question of setting up a review of local government and establishing a Local Government Study Commission. The review is about governance, not elected officials or staff.

**Citizens can prepare for the ballot issue by asking themselves:**

- **What is working?**
- **What is not working?**
- **Is there a better way to govern ourselves? Are local citizens fairly represented?**
- **Is the government structure efficient and effective?**
- **Should our local government do more?**
- **Or less?**

**PURPOSE:** The purpose of this LWWHA Local Government Review study is to provide current and new residents of the City of Helena and Lewis and Clark County with an overview of the current form and structure of both governments and the ten-year review process.

**LWVUS Position: Representative Government: Summary of Public Policy Positions.** Promote an open governmental system that is representative, accountable, and responsive. **Principles in brief:** *The League of Women Voters believes that democratic government depends upon active and informed participation in government and requires that governmental bodies protect the citizens right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. (Impact on Issues, A Guide to Public Policy Positions 2022-2024, pp. 13-14.)*

**LWVMT Position in brief:** State and local governments will provide a flexible and comprehensive framework of state law pertaining to local governments including alternatives for local financing, and community and city-county land use planning. (Adopted November 2017.)

**LWVHA County Government: Position in brief:** The LWV of Helena supports a local governing body with self-government powers (home rule) as essential for a fair and efficient government. The League supports a self-government charter for Lewis and Clark County Government with provisions to assure that all citizens are fairly represented and have opportunities for direct input to the decision-making process. The League believes that the consolidation of certain local government services or functions, on an incremental basis, is better than a complete consolidation of city and county government into one entity. This position will not affect the ability of the LWVHA to advocate for or against adoption of any local government study commission by the voters of the city or county. (Adopted 1/24/1984, revised 11/15/1995.)

### **BRIEF HISTORY OF THE MONTANA CONSTITUTION OPTION FOR A TEN-YEAR REVIEW**

**1887 Montana Territory Supreme Court:** The 1887 Supreme Court of Montana Territory held that municipal corporations had no inherent right of local self-government. The first Montana Constitution adopted in 1889 was confusing as to what a municipal government could or could not do. The Constitution allowed local Governments to exercise those powers that were specifically permitted by the legislature. Montana municipal and county governments continue to have shared powers with the state legislature. Local policy can be preempted by the legislature.

**Constitutional Convention Review:** The 1972 Constitutional Convention added a Charter and Self-government options to the Montana State Constitution. The Charter outlines the legislative, executive, and administrative powers of a local government. Under self-government powers, a local government may exercise any power not prohibited by the Montana Constitution, law, or charter.

**June 2024 Local Government Review Process:** City and County Commissioners must pass a required resolution calling for an election on the question of conducting a local government review and establishing a study commission. The resolution must be submitted to the county election administrator by **March 11, 2024**. The measure will appear on the ballot in the June primary. A majority of those voting in the 2024 primary election is required to approve the establishment of a local government study commission.

**Any registered voter who is a resident of the local government and is not currently an elected official of the local government can run to serve on a local government study commission. Candidate filing for the commission seats begins on the day the primary election result is certified and closes August 12, 85 days before the general election. Filing forms can be found on the Secretary of State website.**

If approved, the election for the study commission will occur during the **November 5, 2024, general election**. Under Section 7-3-177, MCA (Montana Code Annotated) the study commission must be an odd number of not less than three members who live in the jurisdiction.

The review process involves public hearings and informational presentations about the existing forms and powers of local governments and public services. The meetings of the study commission are subject to the Montana open meetings law. The commission will prepare and distribute a final report, and a minority report if appropriate, that includes any recommended local government changes. Voter approval of the changes is required.

**What a study commission will study and what they can recommend.**

- 1. Recommend amendments to the existing plan of government.**
- 2. Recommend any plan of government authorized by MCA, Title 7, Chapters 3 through 6.**
- 3. Draft a charter.**
- 4. Recommend municipal-county consolidation or amendments to an existing consolidation.**
- 5. In cooperation with a study commission in an adjoining county, recommend county merger.**
- 6. Submit no recommendation.**

**Six optional or Alternative Forms of Local Governments in Montana**

The 1972 Montana State Constitution directed the legislature to provide the “cafeteria style” approach to local government that lists optional or alternative forms of government. (Authorized by Title 7, Chapter 3, parts 1-6, MCA 2021.)

**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 for 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. This is the most common form for counties.

**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 optionally 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.

**Amendment of Self-Government Charter or Adopted Alternative Form of Government Title 7, Chapter 3, Part 1. General Provisions Montana Code Annotated 2021.** Amendment of a self-government charter, or adopted form of government, may only be made by submitting the question of amendment to the electors of the local government as provided in 7-3-149. An amendment may be proposed by: (1) petition as provided in 7-3-125; (2) the local government by ordinance; or (3) a study commission recommendation pursuant to 7-3-192.

## THE CITY OF HELENA

Montana became a state in 1889 and Helena was incorporated as a city in 1881. Lewis and Clark County had already been established and had county commissioners by that year. The first charter of the City of Helena was submitted to the qualified voters of the city on the first Monday in March 1881. It was amended by Acts approved Feb 27, 1883, Jan 30, 1885, and March 12, 1885. The Charter declared the City to be an incorporated “body politic” which allowed it to be an entity in the view of the courts. The city had a Mayor and a Board of Aldermen and was divided into seven wards, two Aldermen were elected by each ward and were given alternate years of terms with no compensation. A city treasurer and police magistrate were elected every year.

**Helena experience with the ten-year review over the past 50 years:** The first review was required by Article XI, Section 9 of the new Montanan State Constitution which required that “The legislature shall within four years of the ratification of the 1972 constitution provide procedures requiring each local government to review its structure and submit one alternative form of government to the qualified electors.”

- **1974** - The form of Helena government was Manager.
- **1976** - Helena adopted a charter form of government with a manager and commission and began operating under self-governing powers effective **May 2, 1977**. The charter spells out the separation of Administrative and Executive powers, the authority of the mayor, commission, and city Manager. Elections changed from partisan to non-partisan.
- **1994** - Citizens voted for the local government review process. The city charter was changed based on a vote on the recommendations of the local government review commission. The term of office for mayor was changed from 2 to 4 years and a preamble to the charter and a cap on property taxes at the state limit was added. These changes were adopted in **1996**.
- **2000 - (Off ten-year cycle change)** A proposal to amend the Helena City Charter was presented to the voters at the November general election. The amendment was approved by the voters and added to the Charter in **2001**. It permitted the Citizens Council to fill vacancies on the Council in the event there are no serving members on a neighborhood Council. It also enabled the Council to declare a position vacant if a member misses three consecutive meetings or ceases to be qualified under rules adopted by the Helena Citizens Council.

**Purpose of the City:** The primary purpose of the city of Helena is to provide high quality and reliable essential services to its citizens. These services are clean water, public safety, waste disposal and recycling, storm water control, parks and recreation, park and boulevard trees, open space, forest health and wildfire protection, streets, alleys, non-motorized infrastructure, land use planning and review.

**Helena Commission/Manager form of Government:** Helena operates under a Commission/City Manager form of government with a mayor as outlined in the charter. The City Charter serves as a constitution. The duties, responsibilities and powers of the commissioners, City Manager and the Citizens Council are outlined in the charter. The **Commission** is the **legislative and policy** determining body of the City. The **City Manager** is the **chief administrative officer** of the city and is responsible to the commission for the administration of all city affairs required by the charter, law, or resolution. The **mayor** is the official head of the city and presides at city commission meetings, service of civil process and performing ceremonial functions. The city of Helena has a self-governing charter.

**General, Self-Governing and Shared Powers with the Legislature:** Montana does not have home rule but shared powers with the legislature. **General Powers:** local governments with general powers, such as Lewis and Clark County, have shared powers that are expressly or implicitly granted by the Montana Legislature. The Montana Constitution does provide for local governments to adopt a charter that establishes them as **“Self-Governing.”** A local government unit adopting a self-government charter may exercise any power not prohibited by the Montana Constitution, law, or charter. **Self-Governing** powers were established in the 1972 Montana Constitution. If the city of Helena has a need (example – clean air) for its citizens, it can address the need by ordinance, so long as it is not prohibited by the Constitution. The city does not have to ask the legislature to provide the need for the citizens. Under shared powers, the city is subject to state laws for: Annexation/Abandonment, Legislative Procedures, Elections, Planning and Zoning, Budget & Finance, Officer & Employee Mandates, Eminent Domain, Mill Levy Limitation. (MCA 15-10-420). The self-governing provision is formalized in Article XI, Sections 5 and 6 of the 1972 Montana Constitution.

**City of Helena Election types/Elected Officials:** All elections are non-partisan. The City of Helena has (4) part-time commissioners and a part-time mayor, who are all elected at large not by ward. Terms of office are for (4) years, two positions being filled at each general election. Candidates for the commission must be residents of the city. The mayor is also elected for a four (4) year term, and with the consent of the commission, appoints all members of boards and committees and provides the commission and the public with an annual review of the government in January. The Municipal Judge is elected for a four-year term. The city attorney and the secretary to the commissioners/city clerk, are hired positions.

**Citizens Council:** The city charter designates seven neighborhood councils with four members from each district, collectively comprising a twenty-eight member Helena Citizens Council. The Citizens Council operates independently from the city commission or city officials. The purpose of the council, as outlined in the charter, is to review and recommend actions to the annual budget and make recommendations relating to the future development of the city. Citizens

Council members are elected for two-year terms with no overlapping terms and are required to file for re-election during the city general election.

**City of Helena Budget 2016-2024 – employee number and population**

<b>YEAR</b>	<b>REVENUE</b>	<b>EXPENSES</b>	<b>EMPLOYEE NO.</b>	<b>POPULATION NO.</b>
2016	\$67,438,121	\$66,120,668	309	28,190
2017	\$74,376,861	\$66,949,008	310	30,345
2018	\$70,123,734	\$69,341,259	306	31,212
2019	\$76,328,024	\$78,940,334	332	32,024
2020	\$85,750,827	\$77,029,411	354	32,362
2021	\$91,108,717	\$77,864,653	357	32,120
2022	\$90,831,215	\$86,476,671	368	33,885
2023	\$92,558,633	\$130,816,518 *	378	34,690
2024	\$110,963,096	\$101,310,782 *	378	34,690 estimate

- The revenue and expense numbers for the years 2016-2022 are actual. FY 2023 is estimated actual and 2024 is the adopted budget. The 2023 budget is considered balanced as funds were taken from reserves. The budgeting process starts with a preliminary budget, adopted by the commissioners in July. The final budget is then adopted in September when the tax information is received from the county. The actual budget numbers are finalized the following year. (\* 2023-2024 budget includes an estimate of \$250,000 in additional property tax revenue.)

**Growth/decline in City of Helena Budgets over the past 10 years**

<b>YEAR</b>	<b>EXPENSES</b>	<b>%+/- From Previous Year</b>
<b>FY 2016-2017</b>	<b>\$66,120,668</b>	
<b>FY 2017-2018</b>	<b>\$66,949,008</b>	<b>+1.2%</b>
<b>FY 2018-2019</b>	<b>\$69,341,259</b>	<b>+3.5%</b>
<b>FY 2019-2020</b>	<b>\$78,940,334</b>	<b>+13.8%</b>
<b>FY 2020-2021</b>	<b>\$77,029,411</b>	<b>-2.4%</b>
<b>FY 2021-2022</b>	<b>\$86,476,671</b>	<b>+12.2%</b>
<b>FY 2022-2023</b>	<b>\$130,816,518</b>	<b>+51.2%</b>
<b>FY 2023-2024</b>	<b>\$101,310,782</b>	<b>-22.5%</b>

**Helena’s budget compared with cities of comparable size**

**Adopted budgets for 2023-2024**

<u>CITY</u> <u>POPULATION</u>	<u>YEAR</u>	<u>REVENUE</u>	<u>EXPENSES</u>	<u>EMPLOYEE NO.</u>	
HELENA, MT	2023-2024	\$110,963,096	\$101,310,782	378	34,690
ENGLEWOOD, CO	2023-2024	\$70,042,217	\$73,367,470	503	33,516
BOZEMAN, MT	2023-2024	\$317.9 M	\$318. M	539	54,539
PETERSBURG, VA	2023-2024	\$117,271,252	\$117,271,252	659	33,429

**Employee numbers compared with employees of cities of comparable size**

Helena, MT	1 employee for every 91.7 residents -	11 employees per 1,000
Englewood, CO	1 employee for every 66.6 residents -	15 employees per 1,000
Bozeman, MT	1 employee for every 101.1 residents -	10 employees per 1,000
Petersburg, VA	1 employee for every 50.7 residents -	19 employees per 1,000

**Population growth:** Helena is currently growing at a rate of 2.34% annually and its population has increased by 7.19% since the most recent census which recorded population of 32,362 in 2020. The population has risen by over 10% since that last census.

**Are there sufficient opportunities for citizens to participate meaningfully in the government?**

Helena has 31 advisory boards consisting of quasi-judicial boards, authorities (airport and housing), administrative boards, appeals boards, general advisory boards, councils, and committees. Members are limited to making policy recommendations, not operational recommendations. The city website lists openings when they occur. “Be Heard Helena” offers citizens an opportunity to comment on community issues. Social media, public advisory notifications by the city communications department, public meetings, and the Helena Citizens’ Council are used by the city to keep citizens informed. City administrative and commission meetings are open to the public with limited capacity. HGTV provides media coverage of the meetings, and the video recordings are available to the public. Citizens can participate in Commission meetings by zoom.

**Are local government processes policies and records readily available to citizens?**

City staff is in the process of digitalizing city records to ensure transparency. Citizen requests for information for the past ten years can be accessed by contacting the City Clerk’s office. Information requested prior to the ten-year cutoff date must be researched by the city clerk’s staff. A set day/time limit for response to citizen information requests would be helpful.

**LWVHA Local Government Study Committee members:** Mary Harlow, Sharon Haugen co-chairs, Barbara Harris, Sue Hoell, Clare Kearns, Paul Pacini, Cherri Jones, Pat Bik, Anne Stites Hausrath, Felomina Genilla-Garvin.

## **RESOURCES**

### **Meetings Held by the Committee in 2023**

- **June:** City of Helena Finance Director, Sheila Danielson, Lewis and Clark County Finance staff, Frank Cromwell, and Misty Edwards
- **July:** Representative Julie Dooling, Senator Janet Ellis, Senator Mary Ann Dunwell
- **September:** City Manager Tim Burton, County Commissioner Chair Tom Rolfe, former Helena Mayor Jim Smith, and Helena Citizens Council members Ben Kuiper president, Paige Myers and Denise Roth Barber.
- **October:** Zoom meetings with Dan Clark, Director Local Government, MSU; Thomas Jodoin Deputy Deputy Director and Counsel, Montana League of Cities and Towns; and Eric Bryson, Director, Montana Association of Counties.
- **November:** City Commissioner Emily Dean and Dannai Clayborn, Clerk of the Commission and City Clerk



## SOURCES

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Charter City of Helena, Article II, Section 2.01, The City Commissioners; Article 111, Section 3.01, 3.02, City Manager position; Article IV, Section 4.01 -4.02, Neighborhood Councils

[https://www.helenamt.gov/files/assets/helena/v/1/government/city-commission/documents/city\\_charter.pdf](https://www.helenamt.gov/files/assets/helena/v/1/government/city-commission/documents/city_charter.pdf)

Charter of the City of Helena Montana as amended 01/2001

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City of Helena timeline and review data for the Charter past 50 years. Information from Connor Fitzpatrick, Elections Division Supervisor, Lewis, and Clark County

<https://www.lccountymt.gov/Home>

City of Helena Local Government Study Commission Final Report, March 15, 1996. Ashely Kent, Montana State University Local Government Center, via email

<http://www.ashleykent@montana.edu>

History of the City of Helena First Charter; digitized copy of the Charter; located in the Archives of the University of Illinois, Urbana Champaign

Independent Record, 9/26/23, "Local Government Review," Nancy Leifer, Becky Piske, Sharon Haugen

[https://helenair.com/opinion/column/guest-view-league-of-women-voters-helena-local-government-review/article\\_beb9e4a0-5954-11ee-a5d8-4337413f5a47.html](https://helenair.com/opinion/column/guest-view-league-of-women-voters-helena-local-government-review/article_beb9e4a0-5954-11ee-a5d8-4337413f5a47.html)

"Impact on Issues: A Guide to Public Policy Positions of the League of Women Voters 2022-2024" [https://www.lwv.org/sites/default/files/2023-02/LWV\\_ImpactOnIssues2022-2024.pdf](https://www.lwv.org/sites/default/files/2023-02/LWV_ImpactOnIssues2022-2024.pdf)

LWVMT Positions, Local Gov Position, State-Local Government

<https://my.lwv.org/montana/position>

LWVHA Formal positions. County Government: Consolidation of County Services adopted 1/24/1984; revised 11/1995 <https://my.lwv.org/montana/position/montana-government>

League of Women Voters of Montana, Local Government Review

<https://my.lwv.org/montana/action-alert/local-government-review>.

Lewis and Clark County Government for information on budget and government

<https://www.lccountymt.gov/Home>

Local Government review. Toni Henneman; Local Government Interim Committee Document, September 2023 [https://leg.mt.gov/content/Committees/Interim/2023-2024/Local-Government/Meetings/July-12-2023/1.2-LGIC\\_2023-24\\_DRAFTworkplan.pdf](https://leg.mt.gov/content/Committees/Interim/2023-2024/Local-Government/Meetings/July-12-2023/1.2-LGIC_2023-24_DRAFTworkplan.pdf)

Montana State Constitution, Article XI, Section 9, Local Government ten-year review requirements

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