

RESOLUTION NO. 442

A RESOLUTION SETTING AN ELECTION DATE FOR A CONSTITUTIONALLY AND STATUTORILY REQUIRED ELECTION TO ALLOW THE PEOPLE TO VOTE TO DETERMINE WHETHER THEY WOULD LIKE TO ESTABLISH A STUDY COMMISSION FOR THE PURPOSE OF STUDYING THE EXISTING FORM AND POWERS OF CITY GOVERNMENT AND THE DELIVERY OF LOCAL GOVERNMENT SERVICES BY CITY GOVERNMENT.

WHEREAS, Article XI, Section 9(2) of the 1972 Montana Constitution provides in pertinent part that the Legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election.

WHEREAS, Section 7-3-173(1)(C), M.C.A., requires that an election on the question of conducting a local government review and establishing a study commission shall be held in 1984 and thereafter whenever 10 years have elapsed since the electors have voted on the question of conducting a local government review and establishing a study commission.

WHEREAS, Section 7-3-173(2)(a), M.C.A., provides that the local government 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 in 1984 to implement the provisions of Article XI, Section 9(2), of the Montana Constitution as provided in Section 2, Chapter 70, Laws of 1977.

WHEREAS, Section 7-3-172, M.C.A. provides that the purpose of a local government study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of state.

WHEREAS, Section 7-3-177(1), M.C.A. requires that the number of positions on the local governmental review study commission, which number must be an odd number of not less than three, shall be set out in the resolution calling for the election on the question of reviewing the local government and establishing a study commission.

WHEREAS, Section 7-3-175(1), M.C.A., requires that the question of conducting a local governmental review and establishing a study commission shall be submitted to the electors in substantially the following form:

Vote for one:



FOR the review of the government (insert name of government) and the establishment of a local government study commission consisting of (insert number of members) members to examine the government (insert name of local government) and submit recommendations thereon.



AGAINST the review of the government of (insert name of local government) and the establishment of a study commission.

WHEREAS, pursuant to Section 7-3-175(2), M.C.A., the question of conducting a local government review and establishing a study commission requires an affirmative vote of a majority of those voting on the question for passage.

WHEREAS, pursuant to Section 7-3-176(1), M.C.A., if the question of reviewing the local government and establishing a study commission is approved by the electors, an election to fill the positions on the local government study commission shall be held in conjunction with the 1984 general election date or at the first regularly scheduled election of the local government conducted after 90 days following the election establishing the study commission and a primary election may not be held for electing members to a study commission.

WHEREAS, pursuant to Section 7-3-176(2) if a local government review study commission is elected the members shall be elected on a non-partisan basis.

WHEREAS, pursuant to Section 7-3-176(4), M.C.A. the number of candidates equal to the number of study commission positions to be elected receiving the highest number of votes shall be declared elected.