

176 Charter amendment hearing attracts little public attention

By Grace Holman
Leader Staff Writer

Three of five proposed changes — reached after a 17-month assessment by the Anaconda-Deer Lodge County Study Commission — were discussed in the first of several scheduled public hearings Wednesday night in the courtroom of A-DLC Courthouse.

Fewer than a dozen attended the hearing, among them two reporters, Commissioner Wayne Ternes, candidate Terry Wilkinson, Chief Executive Cheryl Beatty, two members of county boards and an interested citizen.

Study Commission Chairman Jake Maciag said the members recommend staying with the charter form of government, with their study revealing weaknesses, which can be alleviated, as well as strengths.

However, their assessments and recommendations were not reached solely among the the members Maciag, Vice Chairman Tom Radonich and members Mike Grayson, Ed McCarthy Jr. and Shirley Kelly. All were elected in November 1994, with the exception of Kelly who was appointed to fill a vacancy in January.

The members spent hours interviewing others and compiled and conducted a citizen survey before reaching any conclusions.

The study began with interviews with 97 percent of the A-DLC employees to gain "the insiders' feelings and attitudes," he said. Many of the interviewees were employed before the charter was adopted, giving a unique comparison, Maciag added.

Next, department heads, former and current commissioners, and former study commission members were interviewed. Opinions of both the former city manager and current chief executive were sought.

Each person was asked, "What can we do to make the government stronger and more effective," the chairman said.

The survey was aimed at reaching 500; 356 persons were queried by telephone. An overview of the survey results was presented in December by Dr. Kenneth Weaver, director of the Local Government Center at Montana State University in Bozeman.

In his comments on the survey results, presented in booklet form when Dr. Weaver met for the public hearing, the professor said the results "are a reliable and valid expression of the prevailing opinion of county residents at the time the survey was conducted (Oct. 21-27, 1995)."

That opinion is that the study commission can be 95 percent confident that between 81 and 91 percent of the population of A-DLC believe that county government is doing at least an "adequate" job, Weaver said.

Radonich made the presentation on the recommended amendment to require that all county boards, commissions and committees appointed by the county commission be established by a separate ordinance.

According to the recommendation, the "establishing ordinance" for each board would comply with the following requirements:

"• The purpose, powers and duties, membership, and term of office of the board, commission or committee shall be clearly defined;

"• The frequency of meetings of the board shall be set forth;

"• The duration of existence of the board shall be set forth;

"• If the board is required for any purpose by State law, the law, powers and duties shall be referenced on the ordinance;

"• The ordinance shall specify how often the board, commission, or committee shall be required to report back to the commission;

"• The ordinance shall specify whether any staff, employees, or commissioners may serve on the boards, commission, and committee and whether any commissioner may chair that board or committee;

"• The Anaconda-Deer Lodge County Commission shall post and advertise all board openings, vacancies and expired terms 30 days prior to filling such vacancy."

Radonich said the proposal would eliminate weaknesses the study commission found, such as some boards having an unclear purpose and duties, others having made no reports to the county commissioners, a few potential problems with staff on the boards and chairing, and reappointments being the same persons.

Sid Beausoleil added suggestions: advertise meetings at least five days in advance, with full information as to where, when and why.

He also commented that many board reports "go into the round file, and that every report should be made public, not just given to the commissioners."

He advocated the study commission define terms in the last item, with the notices of openings, vacancies and expired terms be posted on bulletin boards in the courthouse and Hearst Free Library.

"People will not go into Carol's (Gilluly, A-DLC administrative assistant) office, or the chief executive's office," he said.

Beausoleil said in his "long experience" with county government, he has learned the commissioners will not advertise adequately. He said he had applied for a vacancy on the airport board, with another person reappointed to the board.

Apparently one must be a "member of the Chamber of Commerce, or 'one of the boys'" to be appointed, Beausoleil said.

"An absolute date must be given" to any request of the commissioners, or the issue "will be shoved under the rug," he added.

Referring to the comment that of the 10 persons' names on the current list for appointment to boards, some are "questionable," (reported in the *Anaconda Leader's* account of the Tuesday night commissioners' meeting), Beausoleil said, "you had better spell it out. I will put my character against anyone's."

In commenting on Item 1, Ternes said he believes definite guidelines are really needed. Acknowledging procrastination, Ternes said, "give me a date, and I will get the job done by then," a modus operandi practiced by most persons and groups.

Ternes said he sees as one problem boards have had no duties or powers, "there's no real bite in a resolution, go with an ordinance."

With clarity, others will not be as questioning and the board will know what it can do, Ternes said.

Grayson presented the proposal to give the chief executive the veto, amending the charter to read: "The Chief Executive may veto ordinances and resolutions, subject to override by a vote of four or more commissioners of the County Commissioners."

Grayson noted their proposal is modeled after the one in Butte-Silver Bow County, where the veto, though rarely used, works well. Approval of an annual budget is one area in which the veto would be helpful, Grayson said.

"The commissioners would have to relook at their proposal," he said.

A chief executive veto with override is similar to both state and federal governments, Grayson said.

"It forces the chief executive to work with the legislative branch," he added. With the current charter, the chief executive has no direct power, so the legislative branch (commissioners) go their own way, Grayson said.

The veto would force the two to work together, to resolve conflict with compromise, he added.

"The veto has been a fundamental part of the American system of government since the beginning," Grayson said.

The chief executive has as good a grasp of issues as do the commissioners, and is well-versed in government and county workings, he added.

In the state and federal government, the chief executive makes a draft of an annual budget, he said, with the two — executive and legislative — reaching a final version.

On questioning by Ternes, Grayson said contracts, appointments, and hiring of county workers would not be involved with the veto, but strictly ordinances and resolutions.

With hiring, department heads are already involved, knowing their priorities and with ability to recognize qualifications of applicants.

In the 1993 charter amendment, the city manager was removed because residents wanted a chief executive, Maciag said.

This amendment would create a true chief executive, who is, under the current charter, merely a manager, he added.

Beatty commented that she did not originally see a need for the chief executive having the veto power, but after two and a half years in office, has seen instances in which it would be helpful.

"But, still, it would not be used wildly," she said. A key area would be the annual budget, Beatty added, in which the commissioners have adopted an unbalanced budget.

The chief executive appears to be liable in county government, but has no authority to be responsible, she said.

Speaking of the budget, Beatty said she believes it is not appropriate to not have a balanced budget, with the need to be accountable.

Maciag noted that the October survey showed the majority, although slight, was not in favor of the veto, "but the question was unclear, concerning the override." Therefore, the study commission does not consider that part of the survey results to be accurate.

Kelly presented the third proposed charter amendment, in which the

amendment would read:

"In the event of a vacancy on the County Commission, the candidate for the vacant commission district receiving the second highest total of votes in the previous election for that district shall assume the office of county commissioner. In the event that candidate is ineligible, unable or unwilling to assume the office of county commissioner, the remaining commission shall advertise the vacancy, accept applications from eligible citizens, and choose an eligible citizen to fill the vacancy."

The explanation that members of the Advisory Board were to fill in for commissioners evoked a lengthy discussion, initiated by Beausoleil who said the commissioners have not utilized the board.

The commission could use input from the Advisory Board, "saving themselves some headaches," he said, noting in particular two property sales, one in town on Seventh Street and the recent sale in Sunnyside which resulted in two lawsuit against the county. It was resolved with the county refunding money (plus interest) paid by the accepted bidder; payment of lawyers' fees for both parties plus their own; and reletting the bid.

"I'm sorry to see the Advisory Board go. These commissioners are fooling; they are losing a good asset," Beausoleil said.

He also noted conflict is inevitable in some instances, such as the current set up in which the Animal Control Board is under auspices of the commissioners; the animal control officer under the chief of law enforcement.

Maciag said the study commission talked with former commissioners, with their opinions considered in reaching the conclusion that the Advisory Board is not a functioning group. Keeping membership — three per district, for a total 15 — has proven difficult, with the membership down to eight.

Kelly noted five of eight have attended, with the proposal that two persons per district be named to the Advisory Board rather than three.

"The bigger the board, the bigger the quorum," she said.

Beausoleil said board members begin to ask, "why work when you get ignored by the commissioners, who say they will 'look into it, and get back?'"

Ternes, a previous member of the Advisory Board, said he felt frustrated with the lack of power for the board. Members would be asked, then their opinion routinely rejected, and the board operated with no guidelines or direction, Ternes said.

The Advisory Board was seen as comparable to the bullpen in baseball, with standbys available. However, he said, by selecting the second-place winner in an election, "you get a person who really wants to be there," provided, of course, that the person is still eligible.

Beatty agreed the loss of the Advisory Board would be to lose an asset, with the question to be asked, "why is it not functioning?"

Maciag praised the consolidated government, in effect since 1976, as doing an excellent job, but with the study commission looking at areas in which the charter is not as functional as intended.