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I. LETTER TO CITIZENS OF THE CITY OF HARDIN

To the Citizens of Hardin:

The City of Hardin Study Commission elected by the voters on November 8, 1994, or thereafter appointed, present this preliminary report to you, the citizens of Hardin.

The purpose of the study commission, as defined in state law, is to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state. After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the city as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present.


Our recommendations reflect the thoughts and opinions of those who participated in public hearings and those who attended our meetings, in addition to the independent efforts of this study commission.

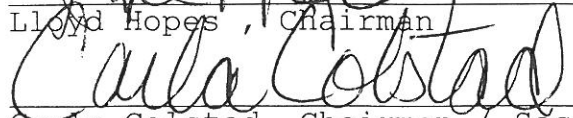
In this report we present our recommendations for an alternative form of government that we feel will provide the government services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of City of Hardin can achieve these goals by adopting the Charter form with self-government powers.

The questions of adopting this alternative form of government will be placed on the ballot November 5, 1996. We solicit your support for its adoption.

Respectfully submitted,

CITY OF HARDIN STUDY COMMISSIONERS


Lloyd Hopes, Chairman


Carla Colstad, Chairman / Secretary / Treasurer

II. SUMMARY OF RECOMMENDATIONS

The City of Hardin Local Government Study Commission having thoroughly studied our present form of city government and the alternative forms of government available to cities under state law, and having studied the future governmental needs of this city, recommends the following:

1. City of Hardin should adopt, effective Jan 1, 1997, the Charter form of government with self-government powers. A city council or elected legislative body, of six (6) members shall be elected for four (4) year terms of office. Two (2) members shall be elected from districts in which they reside and which are apportioned by population. The mayor shall be elected at large.

2. The question of whether or not elections shall be conducted on a partisan or non-partisan basis shall be submitted to the voters of the city as a sub-option as authorized in 7-4-413 MCA.

3. The question on the form of government and the sub-option shall be submitted to the voters of City of Hardin on November 5, 1996.

A. Findings of the Study Commission

After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of city government that will provide a governmental framework to meet the changing needs of this city. Problem areas that were identified during the course of the study by research, discussion, public hearings, testimony of public officials, and citizen surveys indicate that in its traditional functions, city government lacks the authority it needs. If city government is to play a wider role it must have adequate legal authority to act; it must also have more control over its organizational structure so that it can act effectively and oversee the performance of city functions.

The "traditional" form of city government has existed in the City of Hardin since the Order Creating City of Third Class on this 14th day of May, 1917. This form still reflects its "traditional" role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law, and its authority to deal with local problems.

The needs of the city, however, have changed since 1917. Population is increasing, population patterns are shifting, and citizen demands for services are rising. This population increase is placing heavy new demands on the city government to provide city services such as sewer, water and refuse disposal. To effectively respond to these growing needs, city government must modify its structure and authority. The addition of self-government powers would give the City of Hardin the additional power needed.

Other areas of concern also emerged during the course of the study which affected the study commissioners choice of an alternative form. Testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in city government. These frustrations and expectations of citizens and local officials alike, in addition to the changing role of city government, and growing needs of the city, led the study commission to identify 4 basic goals:

1. Local control over local problems;
2. Government that is responsive to citizens;
3. Government that is efficient;
4. A government structure that allows maximum participation by citizens;

In attempt to achieve these goals, the study commission has recommended a Charter form of government with self-government powers.

B. Key Provision of the Proposed Form

1. Self-government Powers

Under the 1972 State Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the city has been the prerogative of the state legislature.

The new constitution provides that "self-government powers" can be adopted by cities along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and city. Certain areas of control would be transferred from the state legislature to the city council. Some decisions that are now made on a state-wide basis, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our city. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and more responsibility to recognize and deal with these problems.

2 & 3 See attached

CHARTER & NON-PARTISON ELECTION

**CERTIFICATE OF THE PROPOSED CHARTER
OF
THE CITY OF HARDIN**

PREAMBLE

WE, THE PEOPLE OF HARDIN, COUNTY OF BIG HORN, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of Hardin

The City of Hardin shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this self-governing city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 City Council

The legislative branch shall consist of the city council which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Hardin who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member for the district in which he or she resides.

Section 2.03 Composition

The City of Hardin shall have a city council of six (6) members, two (2) of whom shall be elected from each of three (3) districts.

Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis.

Section 2.06 Apportionment of Districts

Following each federal decennial census the council shall cause the city to be divided into three (3) districts, as compact and equal in population as possible.

Section 2.07 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall vote as other council members and preside when the mayor is absent.

Section 2.08 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Hardin as prescribed by law.

Section 2.10 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally create the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of four (4) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

The Council shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

Section 2.12 Legislative Action

1. The affirmative vote of at least three (3) members of the council shall be required for all official actions of the council. A minimum of four (4) council members must be present when official actions are taken by the council.

2. The council may override the mayor's veto with four (4) affirmative votes of the council.

Section 2.13 Procedure

The council shall establish its rules of procedure and time and place of meetings by resolution.

Section 2.14 Compensation

The compensation of council members shall be set by ordinance of the city council.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Mayor

The mayor shall be the chief executive and administrative officer of the city.

Section 3.02 Qualifications for Office

Every resident of the City of Hardin who is 21 years of age or older and a citizen of Montana for at least three years and a resident of Hardin for at least two years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by the recall of the mayor by the electors of Hardin as prescribed by law.

Section 3.07 Filling Vacancy of the Office of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of four (4) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.07 Powers and Duties

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required by law, Charter, ordinance or resolution;
3. administer affairs of city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;

7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. prepare the council agenda, preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.08 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint and remove with the consent of the council, all employees of city government;
4. exercise control and supervision of the administration of all departments and boards.

Section 3.09 Legislative Authority

1. The mayor shall decide all tie votes of the council, but shall have no other vote.
2. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of four (4) members of the council.

Section 3.07 Compensation

The compensation of the mayor shall be set by ordinance of the city council.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITION PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Hardin Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

No current city employee or elected official currently holding a city office will lose employment or elected position solely because of the adoption of this Charter. Existing elected officials may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Hardin shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where

necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

We, the Local Government Study Commissioners of Hardin, Montana, do hereby certify that this is the proposed plan of government approved by the Hardin Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Hardin, Montana this _____ day of _____, 1996.

ATTEST: _____
Nancy Young, City Clerk

Lloyd Hopes, Chairman

Carla Colstad

III. COMPARISON OF THE EXISTING FORM OF GOVERNMENT AND THE PROPOSED FORM OF GOVERNMENT

A. EXISTING FORM

Description of General Characteristics

Policy-making and administrative structure. The "traditional" form of city government has existed in City of Hardin since the creation of the city in 1917. It is basically the same government in structure and powers and reflects its role as an administrative arm of state government.

The city council serves as the executive branch of the city government and is responsible for the administration of the business affairs of the city as outlined in state law. The Council approves the city budget, levies taxes, issues bonds, enters into contracts, approves claims, and may buy, sell, and lease city property. It also has the responsibility to appoint members of boards and commissioners and any department heads who are not elected.

Numerous boards, commissions and special districts also operate in the city to administer services. These governmental bodies range in authority from advisory agencies which are subordinate to the council, to those which operate independently of council control. Members of these various boards may be appointed by the city council or in some cases are elected.

Power and Authority of City Government. One of the most important provisions in the proposed form of government is self-government powers. Under the existing form of government, the City of Hardin operates with limited powers which are restricted by the so-called "Dillon Rule". This judicial interpretation states that local governments have only those powers specifically granted to them by the state legislature.

B. PROPOSED FORM

Power and authority. Under provisions of the 1972 Montana Constitution and state laws passed in 1975, voters in Montana cities, through the proposals of their local government study commissions, can choose a different kind of power and authority for their city government. This arrangement of state-local power sharing is called "self-government powers". Self-government powers means that a local government with those powers can take any action or engage in any activity unless specifically prohibited by the state or U.S. Constitution, state law or local charter. Essentially, this is a reversal of the old rules regarding local government powers in that there is no need for a grant of powers, since the local unit is free to act unless prohibited.

In a law adopted in 1975, the state legislature stipulated those

powers and authority which would be denied to local governments with self-government powers. In a few pages the legislature reserved a series of powers and functions to the state. Most of the powers denied to local government were retained by the state because of necessity of state-wide uniformity in several important areas such as the conduct of elections, law affecting private or civil relationships, fish and game, etc. or to safeguard "due process" and individual rights of the citizens of the state.

But even with these limitations, local governments adopting self-government powers will have the freedom to determine their own internal structure including departments, boards, bureaus, and commissions to determine the type, level and method of providing services such as roads, health services, fire and police protection, parks, water and sewer services, and solid waste disposal.

CITY OF HARDIN
 COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
 MAYOR-COUNCIL AND CHARTER WITH MAYOR-COUNCIL PLAN OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	CHARTER Elected council performs policy making functions. Elected mayor administers government with the advice and consent of council.	No change.
POWERS	General government powers	Self-government powers	Self-government powers bring to the city the power to act in its own best interest, and flexibility in shaping government structure.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change.
Size	6 councilmembers elected from wards in partisan elections. Mayor elected at large.	6 councilmembers elected from wards in nonpartisan elections. Mayor elected at large.	Local government issues are usually nonpartisan. Council can concentrate on efficient delivery of services.
Term	Four year overlapping terms.	Four year overlapping terms.	No change.
Presiding Officer	Mayor	Mayor	No change.

<p>CHIEF ADMINISTRATIVE OFFICER</p>	<p>The elected mayor administers the government on a part time basis.</p>	<p>The elected mayor administers the government on a part time basis.</p>	<p>No change.</p>
<p>Powers and Duties</p>	<p>The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.</p>	<p>The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.</p>	<p>No change.</p>
<p>Appointment Powers</p>	<p>The mayor appoints department heads and members of boards and commissions with the consent of the council.</p>	<p>The mayor appoints all employees and members of boards and commissions with the consent of the council.</p>	<p>The council will be involved in the appointment and removal of all employees, and have more administrative duties.</p>
<p>Budget Preparation</p>	<p>Mayor prepares budget in cooperation with department heads. Budget is then modified and approved by the city council.</p>	<p>Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.</p>	<p>No change.</p>

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF HARDIN, MONTANA

If retained by the voters, the government of Hardin shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(3);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

Authorized by 7-4-4102(4) M.C.A.

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220. Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established

by ordinance.

7-3-221. Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

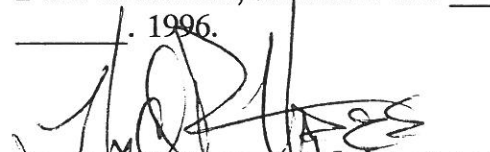
7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

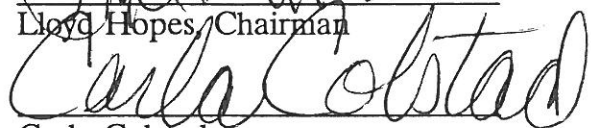
SEAL

In testimony whereof, we set our hands.

Done at Hardin, Montana this ___ day of
_____. 1996.



Lloyd Hopes, Chairman



Carla Colstad

ATTEST: _____
Nancy Young, Clerk

**CERTIFICATE OF THE PROPOSED CHARTER
OF
THE CITY OF HARDIN**

PREAMBLE

WE, THE PEOPLE OF HARDIN, COUNTY OF BIG HORN, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
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Section 1.03 Restrictions

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**ARTICLE II
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Section 2.03 Composition

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Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a partisan or nonpartisan basis depending upon the outcome of the November 5, 1996, special election.

Section 2.06 Apportionment of Districts

Following each federal decennial census the council shall cause the city to be divided into three (3) districts, as compact and equal in population as possible.

Section 2.07 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall vote as other council members and preside when the mayor is absent.

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CERTIFICATE

FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census block with population and deviation from ideal are shown.

WARD	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	984	+0.4
2	966	-1.4
3	990	+1.0

Notes:

1. Ideal population is calculated by dividing the total 1990 population of the City of Hardin by the number of districts ($2,940/3 = 980$).
2. The 1990 population is derived from the U.S. Bureau of the Census 1990 DATA.

We, the Hardin Local Government Study Commission of Hardin, Montana do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Hardin.

SEAL

In testimony whereof, we set our hands.

Done at Hardin, this 21 day of August, 1996.

ATTEST: Nancy L. Young
Nancy Young, Clerk

Lloyd Hopes
Lloyd Hopes, Chair

Carla Colstad
Carla Colstad

**REAPPORTIONMENT PLAN
FOR THE CITY OF HARDIN, MONTANA
PREPARED FOR THE
HARDIN STUDY COMMISSION**

**PREPARED BY
THE LOCAL GOVERNMENT CENTER
MONTANA STATE UNIVERSITY**

AUGUST, 1996

REAPPORTIONMENT PLAN FOR THE CITY OF HARDIN

I. Need to Redistrict

The Hardin Study Commission, which was elected in November, 1994, has spent two years studying the existing form and powers of municipal government, and has decided to place a charter with a commission-executive plan of government on the November 5, 1996 general election ballot. The study commission has adopted its final report outlining this proposal. The law requires that a number of documents be prepared for this final report. One of the documents is a certificate containing the "plan of apportionment" which is required if districts are contained in the "plan of government" (7-3-142(3) MCA).

The proposed Hardin charter provides in Section 2.03 that "The City of Hardin shall have a city council of six (6) members, two (2) of whom shall be elected from each of three (3) districts." To prepare the certificate of apportionment for these districts (wards) the district populations were needed. This information wasn't available. At the request of the study commission the Local Government Center undertook the task of determining the population of the current districts. Knowledge of the current populations would enable the study commission to decide whether there was a need to redistrict.

II. Findings

Using 1990 census data published by the Bureau of the Census, U.S. Department of Commerce, the population of each of the three existing districts was determined. The city jurisdiction is divided into census blocks which are the building blocks for determining the population in each district. Current district boundaries follow census block boundaries except for one census block (244A) which is divided between Ward 1 and Ward 2. Census Block 244A contains 357 people which had to be apportioned between Wards 1 and 2 (see Map I).

The following methodology was used to determine the apportionment of the population of CB 244A. The number of houses, apartments and nursing home beds were counted. The number of nursing home beds (36) was subtracted from the total population leaving a total of 321 people. This number was divided by the number of houses and apartments (165) to determine the average population of each housing unit. This figure (1.9, rounded to 2) was then used to apportion the population in each area within the split census block. By using this method 150 people were placed in Ward 1, and 207 people in Ward 2.

The population for each current district (ward) is:

WARD	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	980	885	-9.7
2	980	965	-1.5
3	980	1,090	+11.2

(See Table I.)

III. Assumptions Considered for Reapportionment

The assumptions underlying this reapportionment analysis are:

1. The general guidelines accepted by courts relative to the reapportionment of single member representative districts apply to the apportionment of the municipal districts (wards). These guidelines, in general require contiguity, compactness, and populations as nearly equal in number as practicable;
2. The only acceptable data source for the apportionment of single member districts is the most recent census published by the Bureau of the Census, U.S. Department of Commerce;
3. The limits of deviation from ideal population equality in each single member district are those accepted by the courts.

IV. Guidelines

The Local Government Center used the following guidelines to conduct this analysis:

1. Minimize relocation of the existing district (ward) boundaries;
2. Equalize the population of each district as nearly as possible;
3. Maintain the integrity of existing census blocks.

V. Methodology for Reapportionment

It is apparent from the existing apportionment that the following should happen using the above guidelines and assumptions:

1. Maintain the integrity of CB244A by including it all in Ward 1;
2. Relocate the boundary between Ward 2 and Ward 3 to balance Ward 3;

3. Relocate the boundary between Ward 1 and Ward 2 so that the increase in population from CB244A to Ward 1 will balance wards 1 and 2.

The specific changes made are:

Census Block	From Ward	To Ward
1. CB244A (part)	2	1
2. CB221	3	2
3. CB222	3	2
4. CB229	3	2
5. CB310	1	2
6. CB311	1	2
7. CB312	1	2
8. CB313	1	2
9. CB314	1	2
10. CB315	1	2
11. CB316	1	2

(See Map II.)

VI. Findings

The population of each district following the changes listed is as follows:

WARD	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	980	984	+0.4
2	980	966	-1.4
3	980	990	+1.0

(See Table II.)

The current districts are not "as nearly equal in population as practicable". The reapportionment plan conforms to the standards of equal representation as set forth in assumption 1 above.

In view of the above findings, we recommend that the reapportionment plan be adopted as set forth at Table II and as depicted in the attached map (see Map III).

**TABLE I
CURRENT POPULATION BY WARD
HARDIN, MT**

WARD 1		WARD 2		WARD 3	
CENSUS BLOCK	POPULATION	CENSUS BLOCK	POPULATION	CENSUS BLOCK	POPULATION
149A	0	133	9	103A	3
150	0	134	0	104A	0
155A	0	135	0	108A	46
156	2	136	31	109A	74
157	0	137	30	110	41
158	0	138	24	111	30
244A	150	139	20	112	34
252A	99	140	13	113	19
253	21	141	2	114	38
310	48	142	0	115	19
311	0	143A	0	116	12
312	50	144A	93	117	18
313	18	149A	0	118	22
314	20	151	0	119	4
315	20	152	16	120	28
316	0	153	5	121	22
317	1	154	13	122	32
318	17	228	32	123	19
319	21	230	0	124	8
320	37	231	14	125	25
321	39	232	0	126	18
322	34	233	31	127	18
323	39	234	12	128	21
324	35	235	30	129	15
325	32	236	47	130	22
326	8	237	35	131	6
327A	0	238	17	132	13
328	0	241	29	145A	0
329	94	242	37	201A	11
330	100	243	25	201B	2
		244A	207	208A	3
		301	0	209	6
		302	1	210	2
		303	12	211	16

		304	30	212	30
		305	27	213	29
		306	10	214	35
		307	31	215	21
		308	35	216	22
		309	47	217	0
				218	0
				219	0
				220	42
				221	30
				222	43
				223	21
				224	19
				225	24
				226	27
				227	10
				229	27
				239	63
				240	0
TOTAL	885		965		1090
IDEAL	980		980		980
DEV.	-95		-15		110
% DEV.	-9.69388		-1.53061		11.22449

TABLE II
REAPPORTIONED POPULATION BY WARD
HARDIN, MT

WARD 1		WARD 2		WARD 3	
CENSUS BLOCK	POPULATION	CENSUS BLOCK	POPULATION	CENSUS BLOCK	POPULATION
149A	0	133	9	103A	3
150	0	134	0	104A	0
155A	0	135	0	108A	46
156	2	136	31	109A	74
157	0	137	30	110	41
158	0	138	24	111	30
244A	357	139	20	112	34
252A	99	140	13	113	19
253	21	141	2	114	38
310	48	142	0	115	19
317	1	143A	0	116	12
318	17	144A	93	117	18
319	21	149A	0	118	22
320	37	151	0	119	4
321	39	152	16	120	28
322	34	153	5	121	22
323	39	154	13	122	32
324	35	221	30	123	19
325	32	222	43	124	8
326	8	228	32	125	25
327A	0	229	27	126	18
328	0	230	0	127	18
329	94	231	14	128	21
330	100	232	0	129	15
		233	31	130	22
		234	12	131	6
		235	30	132	13
		236	47	145A	0
		237	35	201A	11
		238	17	201B	2
		241	29	208A	3
		242	37	209	6
		243	25	210	2
		301	0	211	16

302	1	212	30
303	12	213	29
304	30	214	35
305	27	215	21
306	10	216	22
307	31	217	0
308	35	218	0
309	47	219	0
311	0	220	42
312	50	223	21
313	18	224	19
314	20	225	24
315	20	226	27
318	0	227	10
		239	63
		240	0

TOTAL	984	966	990
IDEAL #	980	980	980
DEV.	4	-14	10
% DEV.	0.408163	-1.42857	1.020408

EXISTING WARD BOUNDARIES
MAP I

WARD III
PCT 19

WARD II
PCT 18

PCT 17

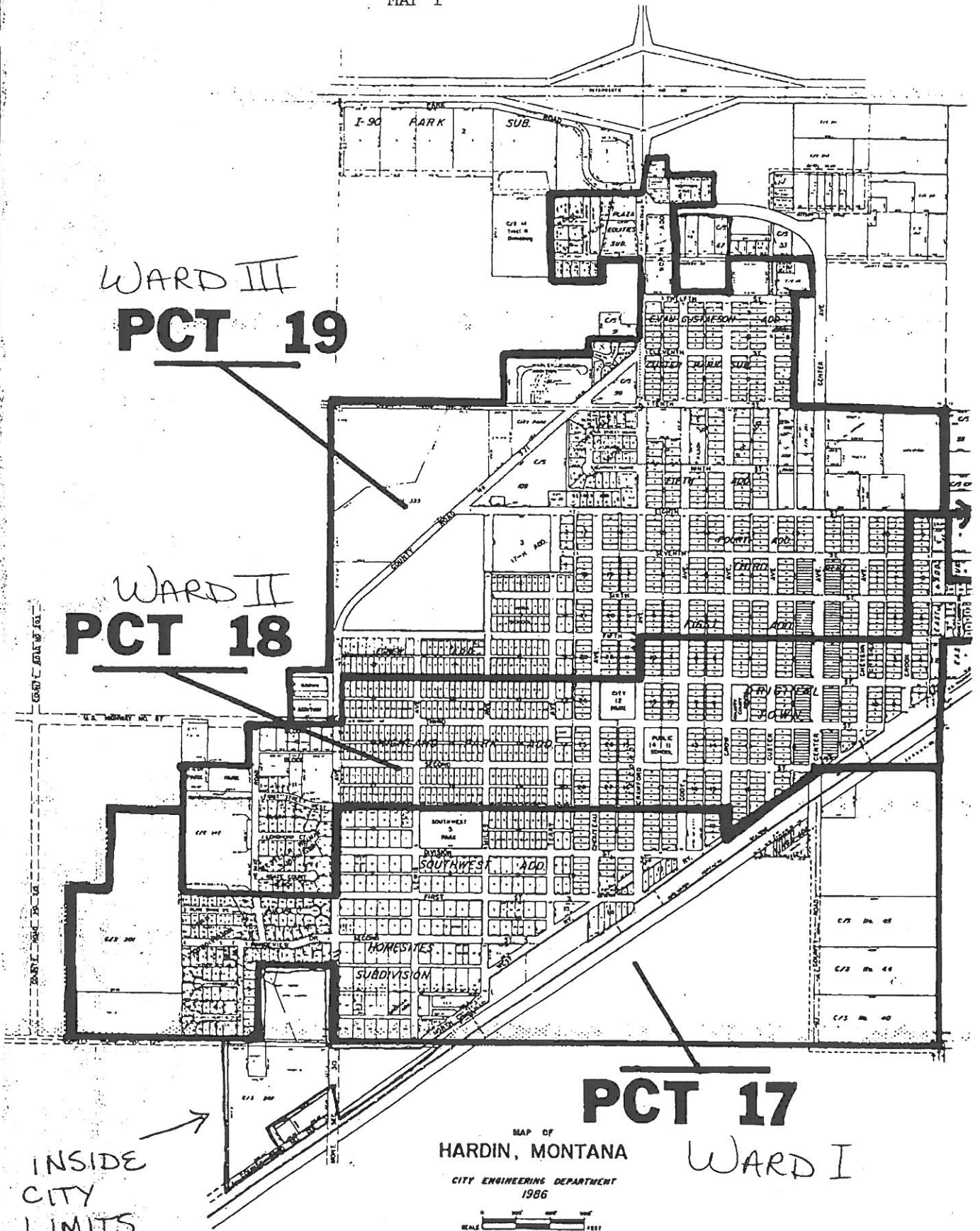
WARD I

INSIDE
CITY
LIMITS

MAP OF
HARDIN, MONTANA

CITY ENGINEERING DEPARTMENT
1986

SCALE 0 500 1000



PROPOSED REDISTRICTED WARDS - 1996
MAP II

WARD III
PCT 19

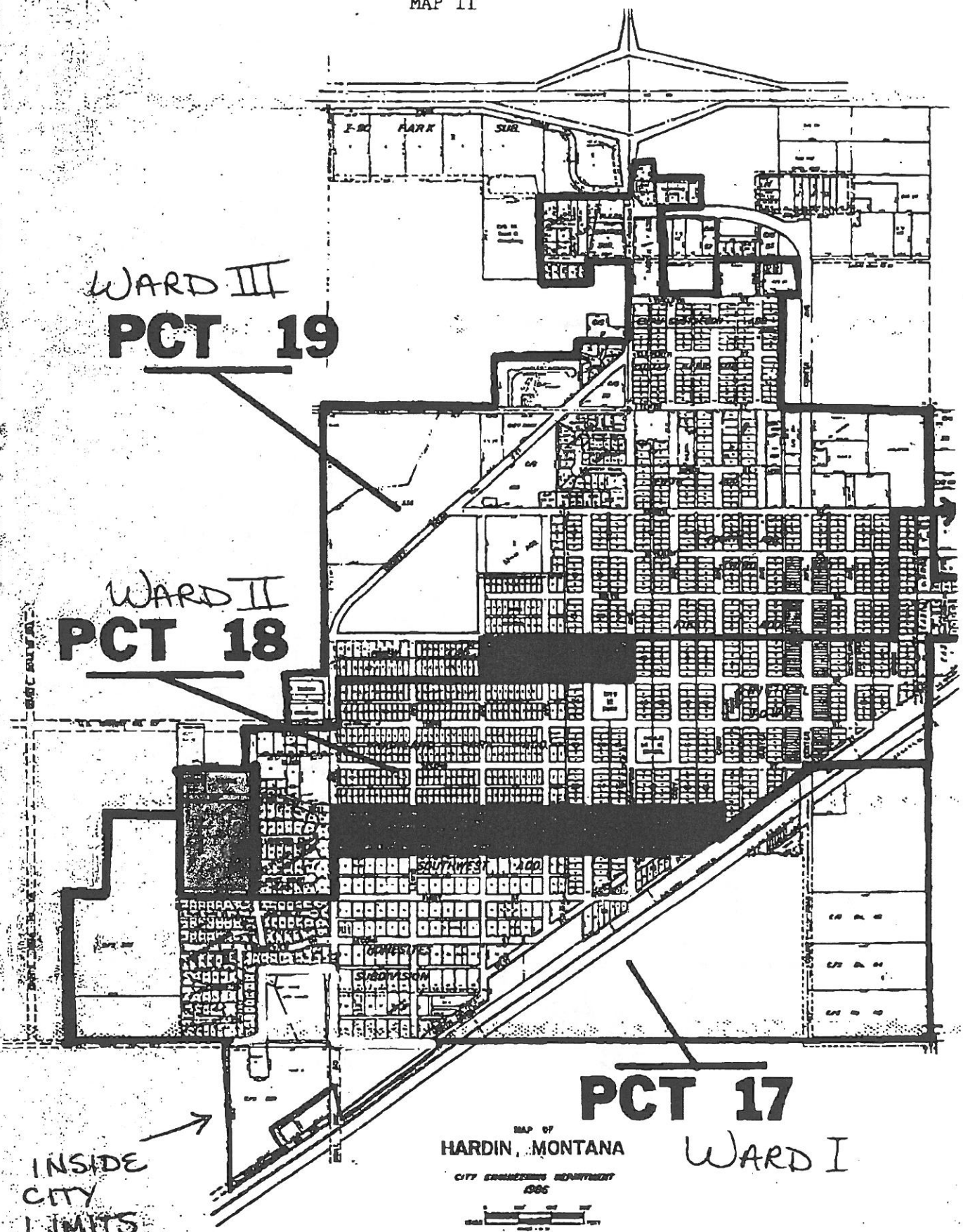
WARD II
PCT 18

PCT 17

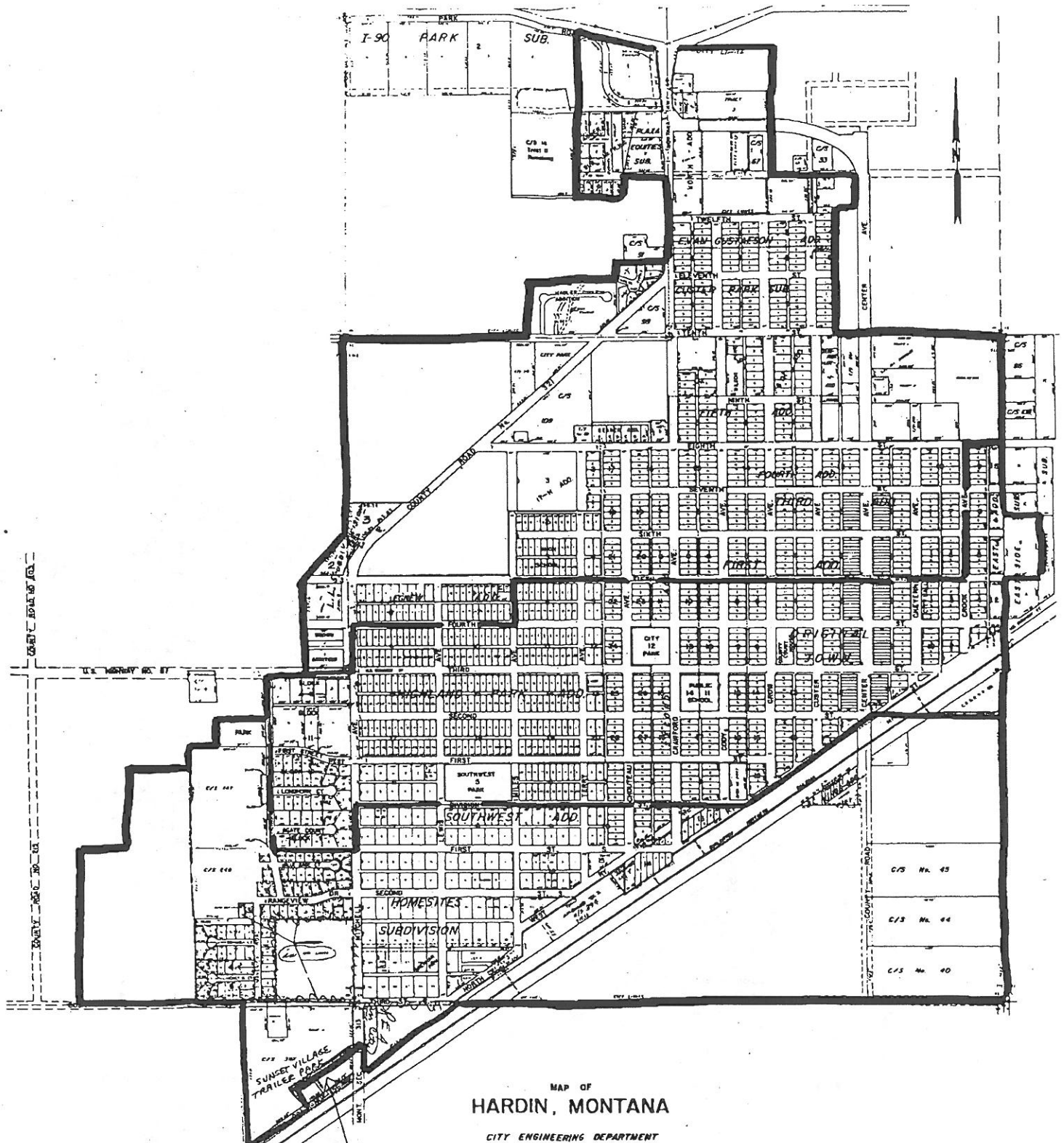
WARD I

INSIDE
CITY
LIMITS

MAP OF
HARDIN, MONTANA
CITY ENGINEERING DEPARTMENT
1996



REAPPORTIONED WARDS - 1996
MAP III



MAP OF
HARDIN, MONTANA

CITY ENGINEERING DEPARTMENT

PROPOSED 1997

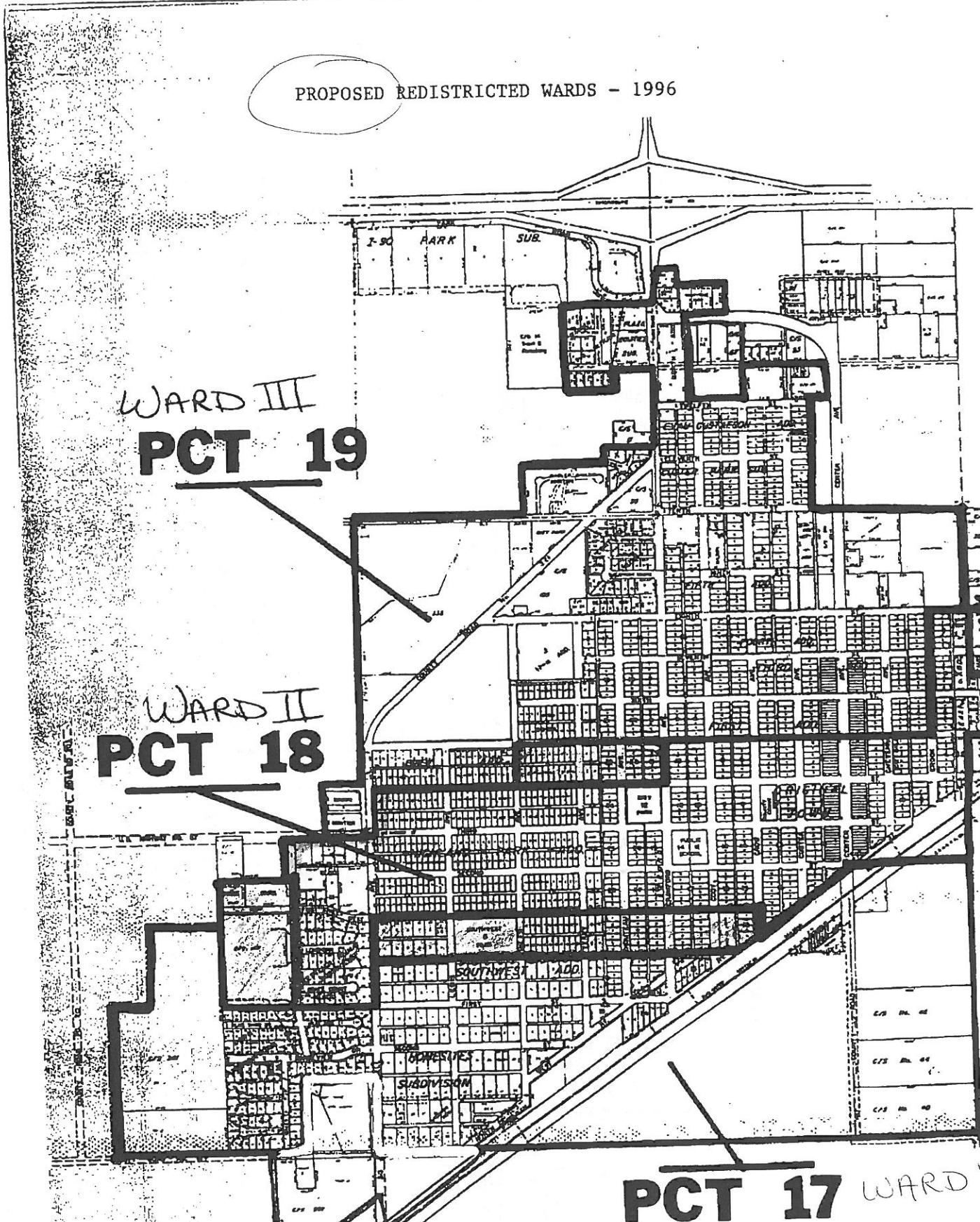
PROPOSED REDISTRICTED WARDS - 1996

WARD III
PCT 19

WARD II
PCT 18

PCT 17 WARD I

POPULATION SHIFTS
DUE TO 1990 CENSUS



EXISTING 1996

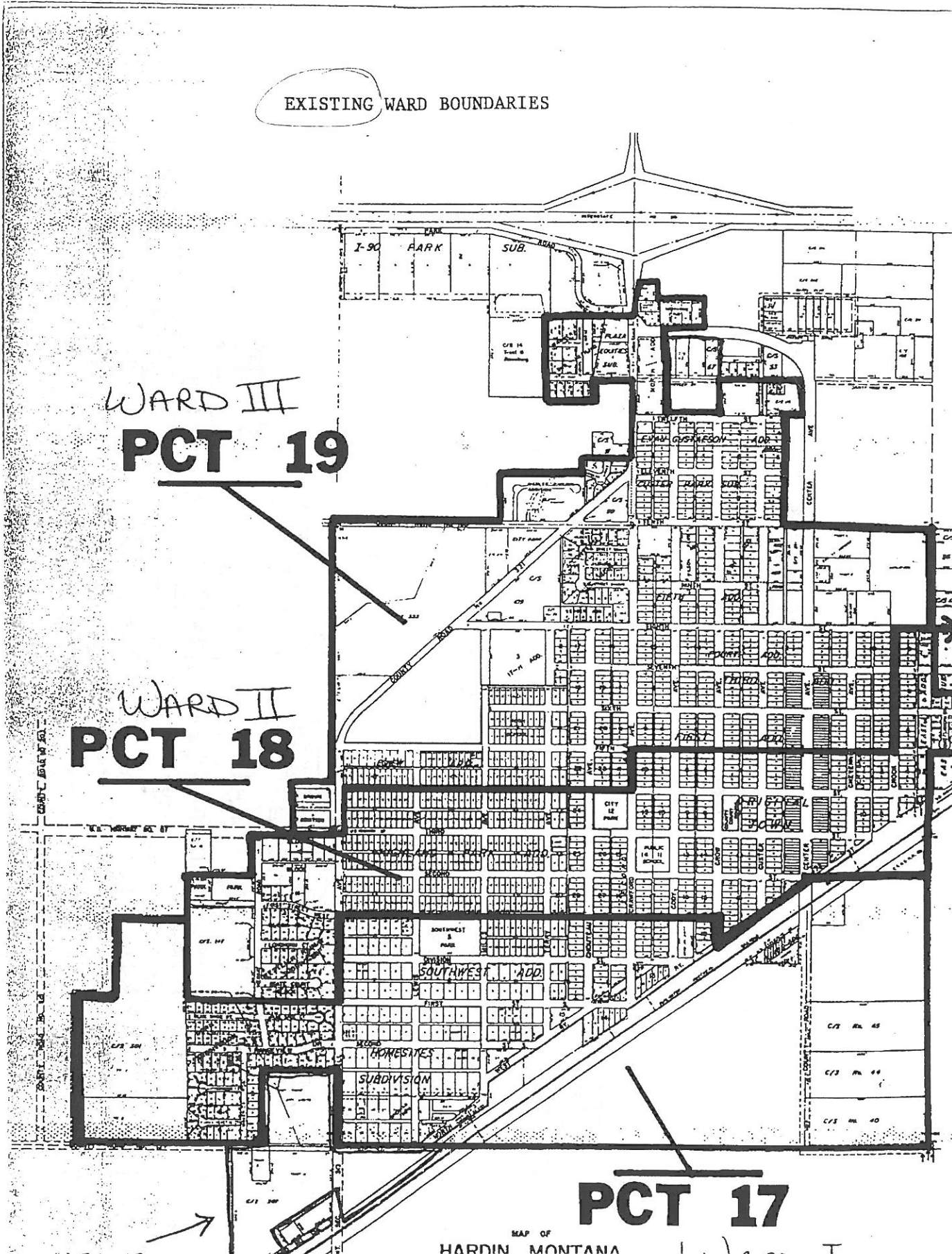
EXISTING WARD BOUNDARIES

WARD III
PCT 19

WARD II
PCT 18

PCT 17

MAP OF
HARDIN MONTANA



CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
HARDIN, MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Hardin at a special election to be held with the general election on November 5, 1996.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the date of the special election approved by the Hardin Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Hardin, Montana this 21 day of August, 1996.

ATTEST: Nancy L. Young
Nancy Young, Clerk

Lloyd Hopes
Lloyd Hopes, Chair

Carla Colstad
Carla Colstad

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 5, 1996, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-option also fails. If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON BOTH ISSUES.

1.

Vote for One.

- FOR adoption of the self government charter with the commission-executive plan of government proposed for Hardin proposed by the Hardin Local Government Study Commission.
- FOR the existing form of government.

2.

Vote for One.

Sub-option to be included in the new form of government, if it is adopted.
Local government elections:

- Shall be conducted on a partisan basis.
- Shall be conducted on a nonpartisan basis.

We, the Study Commissioners of the City of Hardin do hereby certify that this is the official ballot approved by the Hardin Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Hardin, Montana this 21 day of August, 1996.

ATTEST:

Nancy Young, Clerk

Nancy L. Young

Lloyd Hopes, Chair

Carla Colstad

Lloyd Hopes
Carla Colstad