

DRAFT

TENTATIVE REPORT

Table of Contents

- 1. Letter to Citizens of Lincoln County.
- 2. Summary of Recommendations.
 - A. Findings of the Study Commission
 - B. Key Provisions of the Proposed Charter Form
 - 1. Self-Government Powers
- 3. Comparison of Existing Form of Government and Proposed Charter Form of Government.
- 4. Proposed Charter
- 5. Supplemental Reports

Appendix

- Exhibit A: Certificate of plan of existing form of government.
- Exhibit B: Certificate of plan of proposed form of government.
- Exhibit C: Certificate of establishing the election date.
- Exhibit D: Certificate establishing the form of the ballot.
- Exhibit E: Certificate establishing dates of elections for officers of new government if proposal is adopted, and establishing the effective date of the proposal if approved.

I. LETTER TO CITIZENS OF LINCOLN COUNTY

To the Citizens of Lincoln County:

The Lincoln County Study Commission, elected by the voters on November 8, 1994, present this final report to the citizens of Lincoln County.

The purpose of this study commission, as defined by state law, is "to study the existing form and powers of the 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 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.

This study commission sought advice and information from as many people in the county 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 regular meetings, in addition to the independent efforts of this study commission.

In this tentative report we present our recommendations for an alternative form of government that we feel will provide governmental 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 Lincoln County can achieve these goals by adopting the charter form of county government with self-government powers.

The question of adopting this alternative form of government will be placed on the ballot June 4, 1996. We solicit your support for its adoption.

Consideration

Respectfully submitted,
LINCOLN COUNTY STUDY COMMISSIONERS

Lawrence H. Sverdrup, Chairman

Charlotte Bluhm

Dennis Brown

Ann German

Robert F. Kamena

II. SUMMARY OF RECOMMENDATIONS

The Lincoln County Local Government Study Commission having thoroughly studied our present form of county government and the alternative forms of government available to counties under state law, and having studied the future of governmental needs of this county, recommends the following:

1. Lincoln County should adopt, effective January 6, 1997, a charter form of government with self-government powers. The charter provides essentially the same form of government which Lincoln County presently has. It provides for three (3) commissioners to be elected from districts in which they reside, shall be nominated from districts in which they reside, and shall be elected at large. The legislative and administrative functions of the county government will be vested in the three (3) county commissioners just as they now are.
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 county as a sub-option.
- ~~3. The question of whether or not the department heads for the county attorney, sheriff, clerk and recorder, clerk of district court, treasurer, and county superintendent of schools should be elected or appointed by the commissioners shall be submitted to the voters of the county as a sub-option.~~
- 3, 4. The question of the form of government and the sub-options shall be submitted to the voters of Lincoln County of June 4, 1996.

A. Findings of the Study Commission

After intensive study, it is the decision of the study commission to recommend changes of the structure of county government that will provide the governmental framework to meet the changing needs.

The traditional form of county government has existed in Lincoln County and reflects its traditional role as an administrative arm of state government. Its duties are detailed in state law and its authority to deal with local problems is limited.

The present trend in government is to place more and more responsibility for the performance of governmental functions on local government. Governmental functions previously handled by the federal and state governments are being returned to the county. In an attempt to meet these challenges the study commission has recommended the charter form of government with self-government powers.

The charter form of county government recommended by the study commission would be elected and function essentially as our present form of government with the exception of the addition of the self-government powers. The general government powers under the general governmental powers under which our present form of county government operates, state law defines what government may do and specifically how it shall do it. The county commissioners now have little power to pass ordinances. Under the self-government powers in the proposed charter form of government, the county government shall exercise any power which the state does not deny them.

The study commission felt that there may be some advantage to have non-partisan elections and that it might be more efficient if the sheriff, county attorney, clerk and recorder, clerk of court, treasurer, and county superintendent of schools were appointed by the commission rather than elected. The study

~~commission feels that the charter presents a government for the community and that the community, through its electors, ought to make the decision of whether or not to adopt those changes.~~

B. Key Provisions 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 county has been the prerogative of the state legislature. The state legislature decided what county government should do and how it should do it.

The new Constitution provides that self-government powers can be adopted by counties along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and the county. Certain areas of control would be transferred from the state legislature to the county commission. Some decisions that are now made on a state-wide basis by the legislature could be made at the county level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our county. 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.

COMPARISON OF SPECIFIC CHARACTERISTICS

Characteristic	Present Form of Government	Proposed Form of Government	Comments
Form of Government	Commission Form Merges legislative, executive and administrative functions in Commission.	Charter Form with Self-Government Powers Merges legislative, executive and administrative functions.	Same except Charter Form has self-government powers.
Powers	General Government Powers State law defines what government may do and specifically how it shall do it. Limited power to pass ordinances.	Self Government Powers County government shall exercise any power which the State does not deny. Legislative Power vested in the Commission.	Self Government Powers bring to the County the power to act in its own best interest, and flexibility.
Governing Body Size	3 Commissioners nominated by district, elected at large.	3 Commissioners nominated by district, elected at large.	Same
Term	6 year overlapping terms.	6 year overlapping terms.	Same.
Presiding Officer	Chair is elected from own members.	Chair is elected from own members.	Same.
Duties	Commission is responsible for legislative, executive and many administrative functions.	Commission is responsible for legislative, executive and many administrative functions.	Same.
Election	Partisan.	Partisan -or Non Partisan to be determined by vote.	To be determined by vote of electorate.

Characteristic	Present Form of Government	Proposed Form of Government	Comments
<p>Other Elected Officials:</p> <p>8</p>	<p>7 Elected officials: Clerk and Recorder County Attorney Sheriff Treasurer Clerk of Court Superintendent of Schools Public Administrator Coroner</p>	<p>6 offices Elected Elected or appointed. To be determined by vote.</p> <p>Appointed by Commission Appointed by Commission</p>	<p>To be determined by vote of the electorate. SAME Public Administrator and Coroner appointed rather than elected.</p>