



Local Government Review

Study Commission Tentative Report March 5, 2025

Table of Contents

INTRODUCTION	2
BASIS FOR REVIEW	3
SCOPE OF STUDY COMMISSION	4
FORMS OF GOVERNMENT: CURRENT POWERS AND FORM	5
FORMS OF GOVERNMENT: OPTIONAL POWERS AND FORMS.....	6
Powers.....	6
Forms	7
PUBLIC INPUT.....	8
TIMETABLE.....	9
CONCLUSIONS.....	10

INTRODUCTION

To the Citizens of Sheridan County:

The Sheridan County Study Commission, appointed by the Sheridan County Board of County Commissioners, present this final report to you, the citizens of this county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and 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, propose an amendment to the existing form of government, or offer an alternative form of government to the qualified electors. If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review, the study commission sought advice and information from as many stakeholders as possible. They solicited opinions and recommendations from local government officials, community organizations, and citizens. All study commission meetings were open to the public and public hearings were held to provide citizens the opportunity to comment and provide feedback.

As a result of discussions held with the individuals and groups mentioned, the Sheridan County Study Commission concludes that there is consensus that the existing elected county official form of government has served this county well since its organization in 1913 and will continue to do so in the future. We therefore recommend no change to this form of government.

Respectfully submitted,

Caleb Horner, Chair

Ron Burton, Vice-Chair

Keith Clawson, Member

Chris Westergard, Ex-Officio

BASIS FOR REVIEW

The constitutional basis for the local government review is found in the Montana Constitution in Article XI, Part XI, Section 9, which reads:

Voter review of local government. (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) 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. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.

Pursuant to the above section of the Montana Constitution, the Montana Legislature developed the statutory basis for local government review, which is found in Montana Code Annotated Title 7, Chapter 3, Sections 171 through 193. These statutes provide greater detail for the roles of study commissioners and their responsibilities, as well as procedures and requirements for conducting the review. MCA 7-3-171 reads:

Purpose. The purpose of [7-3-171](#) through [7-3-193](#) is to provide a mechanism for local government review as required by Article XI, section 9, of the Montana constitution.

SCOPE OF STUDY COMMISSION

The scope of the study commission is provided in Montana Code Annotated Title 7, Chapter 3, Section 172, which reads:

Purpose of study commission. The purpose of a 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 the state.

The study commission's mission is to examine the powers, form, and plan of government. Through review, study and public feedback the commission will gather information on the current structure of government and its effectiveness in meeting the needs of county residents. Reviewing this feedback and available options provided in state law, the commission will determine if any changes to the structure of the government may improve delivery of government services.

The final activity of the commission is to make one of two recommendations:

1. make no recommendation for change, or
2. make a recommendation for change from the power, form, or plan currently in place to an alternative.

The study commission does not look at the individuals in the current elected offices and their performance, nor is it an audit or examination of the financials of the government being studied.

FORMS OF GOVERNMENT: CURRENT POWERS AND FORM

Currently, Sheridan County operates with general government powers for local government, found in Article XI, Part XI, Section 4 of the Montana Constitution, which reads:

General powers. (1) A local government unit without self-government powers has the following general powers:

- (a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.*
 - (b) A county has legislative, administrative, and other powers provided or implied by law.*
 - (c) Other local government units have powers provided by law.*
- (2) The powers of incorporated cities and towns and counties shall be liberally construed.*

Currently, Sheridan County operates under the default form for a county government, found in Article XI, Part XI, Section 3 of the Montana Constitution, which reads:

Forms of government. (1) The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.

(2) One optional form of county government includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms, qualifications, duties, and compensation of those offices shall be provided by law. The Board of county commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for a joint office and for the election of one official to perform the duties of any such office in those counties.

Sheridan County has combined the following offices:

- clerk and recorder and county superintendent of schools
- treasurer and assessor
- county attorney and public administrator

FORMS OF GOVERNMENT: OPTIONAL POWERS AND FORMS

At the basic level, the powers and forms of government questions can be reduced to:

Powers: What can you do as a local government?

And,

Form: Who exercises that power? And,
Who puts them in the position to exercise it?

Powers

General governing powers-such as Sheridan County has- are those which have been expressed or implied by the state legislature. Self-governing powers allow a government to exercise any powers that have not been expressly prohibited by the state legislature.

Optional self-governing powers for local government are found in Article XI, Part XI, Sections 5 and 6 of the Montana Constitution, which read:

Section 5. Self-government charters. (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

(a) Initiated by petition in the local government unit or combination of units; or

(b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

Forms

Forms of government involve the officers who are responsible for various departments, and how they are placed in that position. In Sheridan County, the standard county elected official form is utilized. Elected officials appoint the department heads and supervisors under their authority. In Sheridan County's case, the following table illustrates the department head and their responsibilities. Alternative forms allow for alternative arrangements for hiring, management, and termination of employees.

Elected Official(s):	Manages:
County Commissioners	Road/Bridge Supervisor, Head Librarian, County Planner, Maintenance Supervisor, Dispatch Supervisor, County Nurse, Disaster and Emergency Services Supervisor, Weed District Supervisor, Information Technology Supervisor, Finance Officer, County-created advisory boards
Clerk and Recorder/Superintendent of Schools	Deputy Clerk and Recorder, Clerks
Clerk of District Court	Deputy Clerk of District Court, Clerks
County Attorney/Public Administrator	Attorney's Assistant
Sheriff	Undersheriff, Deputy Sheriffs
Treasurer/Assessor	Deputy Treasurer, Clerks
Coroner	Deputy Coroners

Alternative forms of government for counties are described in Montana Code Annotated Title 7, Chapter 3, Section 102, which reads:

Adoption of alternative form. Each local government in the state shall adopt one of the alternative forms of government provided for in parts 1 through 7, including one of each suboption authorized:

- (1) the commission-executive form (which may also be called the council-executive, the council-mayor, or the commission-mayor form);*
- (2) the commission-manager form (which may also be called the council-manager form);*
- (3) the commission form;*
- (4) the commission-presiding officer form;*
- (5) the town meeting form; or*
- (6) the charter form.*

Further details for these alternatives are found in their respective parts of statute under Montana Code Annotated Title 7, Chapter 3:

- [Part 1. General Provisions](#)
- [Part 2. Commission-Executive Government](#)
- [Part 3. Commission-Manager Government](#)
- [Part 4. Commission Government](#)
- [Part 5. Commission-Presiding Officer Government](#)
- [Part 6. Town Meeting Government](#)
- [Part 7. Charter Government](#)

PUBLIC INPUT

Pursuant to requirements set forth in Montana Code Annotated Title 2, Chapter 3, Part 2; the Study Commission held five business meetings open to the public. In addition, pursuant to Montana Code Annotated Montana Code Annotated Title 7, Chapter 3, Part 182, two public hearings were held expressly for the purpose of gathering public comment. Study Commission members engaged the public throughout the course of the study commission whenever possible.

Meeting Date	Purpose
12/18/2024	Organizational Meeting
1/15/2025	Business Meeting
2/19/2025	Business Meeting
2/19/2025	Public Hearing
3/5/2025	Business Meeting
3/26/2025	Public Hearing
3/26/2025	Business Meeting

TIMETABLE

Date	Action
12/18/2024	First Study Commission organizational meeting, Town Hall
12/10/2024	Montana State University Local Government Center regional Study Commission Training
1/15/2025 2/19/2025 3/5/2025 3/26/2025	Regular monthly Study Commission meeting and Town Hall the third Wednesday of January and February, and the first Wednesday and last Wednesday in March.
3/10/2025	Timetable established and published within 90 days of organizational meeting
2/19/2025	First Public Hearing—to gather citizen input on the form, functions, powers, and problems of county government and the adequacy of county services
3/5/2025	Adopt a Tentative Report
3/26/2025	Second Public Hearing—to gather citizen response to Tentative Report
3/26/2025	Adopt the Final Report Provide the County Clerk and Recorder a ballot certificate if a proposal is to be placed on the November 4, 2025, ballot
Will Be Determined At a Later Date If Necessary	If the final report proposes an alteration of local government, prepare public education materials to help citizens understand the proposal and compare the proposal with existing governmental form, structures, and powers
	Approve public education materials and conduct public forum
	If the voters approve a proposed alteration of the government, initiate transition planning
4/26/2025	Study Commission term of office ends Adopt transition advisory plan Deposit all minutes and other Study Commission documents with the county clerk and recorder Submit a copy of the final report and any proposed changes to the MSU Local Government Center

CONCLUSIONS

The Sheridan County Local Government Review Study Commission was tasked with evaluating the current powers -general powers- and form of County Government -the statutory default Elected County Official form-and determining whether an alternative set of powers and/or form would be more beneficial to the residents of Sheridan County.

Upon reviewing the available material and considering information and feedback provided by members of the public and government officials at open meetings and public hearings, the Sheridan County Local Government Review Study Commission hereby makes no recommendation for change.