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## City of Libby Local Government Study Commission

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### **Introduction:**

Montana Constitution Article 11, Section 9 requires an election each decade to undertake a local government study commission. What is a local government study commission? It is voter-initiated review of municipal government to evaluate the existing form, function and plan of the local government, compare it to alternatives available under state law then propose changes to the electorate. The citizens of Libby, (electorate) voted to pass this ballot initiative by a large margin so the commission was mandated to complete the study per MCA 7-3-171 through 7-3-193

### **History:**

The first government study was completed in 1976, disincorporation and county governance was recommended but not adopted, in 1986 the study recommended to adopt a charter form of government, it was enacted by the voters on November 7<sup>th</sup>, 1989, and filed on January 8<sup>th</sup> 1990. In 1996 the study commission recommended no changes from the charter form. Libby's current charter has been its adopted form of government since. No local government study commission has been conducted until the current ongoing study.

### **Current form of government:**

The local government currently operates under the charter form. In this context a local charter is analogous to the local constitution. It has been unchanged since its adoption and is 36 years in effect. It provides for a mayor/council in its function with," at large" council and mayor, with," at large" representative jurisdiction for both branches.

Function and plan are specified by charter provision. The local government charter cannot conflict with the federal and state constitution or state statutes, unless provided by law. The study commission has completed a thorough charter review to include comparison research of other Montana city charters, constitutional review and compliance with applicable state laws regarding local government with a charter form.

### **Commission scope and responsibilities:**

State statute defines scope duties and responsibilities. Commission powers are stated in MCA 7-3-183. Commission scope is defined in MCA 7-3-185 subsection 2. The purpose of the study commission is defined in 7-3-172. It requires the commission to study the existing form and powers of the local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state. This is quoted from the statutes. There have been claims that the commission has exceeded its mandated scope and duties. These claims are unfounded and have no basis in fact. For current local government officials to claim that the commission had exceeded its mandated scope of study by examining the activities, actions and procedures of the local government is intellectually dishonest. These claims and the official action taken by the existing local government rejecting requested commission updates at public meetings demonstrate a lack of cooperation and partnering that would serve in the best interests of the citizens of Libby. We seek resolution not retribution.

### **The Study:**

Initial organizational structure and procedure are defined by statute. MCA 7-3-173 established the commission by electors of Libby voting in favor of a study commission. Title 7 Chapter 3 Part 1 MCA defines the requirements of all activities of the study commission. As with all legislative bodies, officers of the body are voted in, bylaws are adopted, and procedures are conducted as specified by applicable statutes of the MCA. The timeline and budget were adopted and published per MCA. Working in cooperation with MSU Local Government Study Center training was purchased and attended by members of the commission. Public training was also provided at the Ponderosa Room at city hall. Regular public meetings were established pursuant to MCA at Maki Theatre and are being held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday monthly at 5:30 pm.

The local government study is a process established by MCA and guided by the adopted timeline. This timeline was established and published pursuant to MCA 7-3-186. The first public meeting was held on May 22<sup>nd</sup>, 2025. The timeline and its required elements extend through 26<sup>th</sup> of February 2026 for the adoption of the final report with no recommendations within 60 days pursuant to MCA 7-3-187 or, with recommendations setting an election date on the question of adoption pursuant to MCA 7-3-192. This indicates the election on or about November 2026. This tentative report and subsequent

public hearings scheduled for Thursday October 23<sup>rd</sup> and Thursday January 15<sup>th</sup> being part of this process are intended to provoke, initiate and facilitate public interest and participation. We encourage reasonable and productive feedback from all stakeholders and interested parties. MCA 7-3-182 provides that all meetings of the commission are open to the public and the commission shall hold public hearings, community forums and other suitable means to disseminate information, receive suggestions and comments to stimulate public discussion of its purpose, progress, conclusions and recommendations. We have consistently requested partnership and cooperation with the existing local government in the best interests of the citizens of Libby.

The commission is guided by MCA 7-3-181 Conduct of Business and has adopted bylaws reflecting that. The study commission may recommend amendments to the existing plan of government. Recommend any plan of government authorized by Title 7 Chapter 3 parts 1 through 6. Draft a charter MCA 7-3-7. Recommend municipal-county consolidation. Recommend disincorporation or submit no recommendation. This is pursuant to MCA 7-3-185

Research data and materials relevant to the study include a multitude of sources to consider the delivery of local government services that serve the best interests of the citizens of Libby. This includes study of MCA requirements of local government and Constitutional provisions both State and Federal. Study of existing form, function, and plan of local government and its practical application. Past and present activities and functions of local government have been studied and considered relevant information for study as they are a direct reflection of the current form function and plan adopted.

Items examined include council rules, meeting minutes; committee rules, recommendations and minutes; established policies and procedures, legislative procedures, actions and initiatives; executive actions and initiatives. All public information on the city website. Only public information has been included in the study, as we are not an investigative or judicial body. Charter review; to include relative charters of other comparable Montana cities. Review charter compliance to MCA and Constitutional provisions. Local newspaper articles and other public sources of information related to the study. Resources at MSU Local Government Study Center. The commission has engaged in public outreach through attendance at local community functions wherever possible and held public meetings and hearings, and town halls.

Study Commission meetings conducted have been regular business meetings with working meetings as needed to facilitate business and function with due regard to quorum requirements with additional public hearings and or town hall meetings pursuant to MCA requirements. Minimal public participation had been noted repeatedly. Agendas and minutes are open to the public by request and are posted on the City of Libby website.

### **Potential Recommendations:**

As stated above there are several recommendations that are possible. After reviewing the form of government options available, our current conclusion is the self-governing Charter is the best option. The charter form currently adopted is of considerable age. Potential recommendation at this time would be to amend the current charter to reflect a more efficient and constitutionally grounded, self-governing representative charter for the citizens of Libby. Plan and function of local government is contained within the provisions of the charter.

Potential recommendations regarding plan under consideration: changes reflected in the amended charter include provisions for three wards or districts with two council members per district. Four vote majority required for council passage of legislative initiative. Political party declaration for mayor and council positions.

Potential recommendations for function under consideration: Provisions for removal from office. Changing executive duties to reflect constitutional provisions for separation of powers pursuant to Montana Constitution Article 3 Section 1. Executive duties presiding the council meetings and arranging the agenda will be moved to the Chair of the Council. Another potential recommendation is being considered for a charter provision requiring a Transparency Accountability Committee see MCA 2-2-144, to ensure that the citizens of Libby are guaranteed the right to know and the right to participate in local government. This committee will also guarantee the right to redress the local government without the potential for retaliation.

### **Supporting Documentation:**

TAC Committee rules and bylaws

Draft amended charter

Supporting election documentation to be submitted upon adoption of final report with recommendations.

### **Close:**

The local government study commission is analogous to a constitutional convention. The charter adopted by the citizens of Libby is our local constitution. The commission comprised of three individuals is hardly a fair number of delegates for such a convention.

This is why public participation and input is so important. The fact the commission was voted in demonstrates self-evidence that issues between the local government and its citizens exist. While we as commissioners have our own thoughts as to why this was voted in, we need feedback from the local electors. We know what we think, we want to know what you think. Form function and plan of government is very important, and we all have a stake in our own self-governance. Our mission is very specific, and the commission has a well-defined scope and purpose. Many problems and issues that the

citizens have regarding their local government that have been brought to the attention of the commission, while being valid issues, are better addressed in an election. This is not in our scope; however it is clear upon review of election numbers, many citizens are disenfranchised with their local government and have chosen not to participate. We would encourage all the citizens in Libby that are qualified to be electors to vote and participate in their local government as provided by state law and the constitution. We remain diligent in our mission make our local government form function and plan to be representative and accountable to the citizens it serves. Please take any opportunity to engage in your own self-governance.

**Signed:**

John Bebee

Vince Backen

DC Orr