

**GOVERNMENT REVIEW STUDY COMMISSION**  
**WEDNESDAY, MAY 13, 2025**  
**5:30 PM**

1) Call to Order

Vice Chair Commissioner Dugan called the meeting to order. Commissioners present were Alessi, Whitman, and Wurster. Chair Commissioner McDowell was absent. Ex-officio Howke, City Manager Smith and City Attorney Jacobs was present.

2) Communications from the Public - (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The presiding officer has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

None

3) Review City Charter (Standing Agenda Item) Continue from May 7<sup>th</sup>

- a) Included in the packet is the redlined version provided by Commissioner Alessi, which also includes comments provided by Commissioners Dugan and Whitman

Commissioners continue reviewing the City Charter Articles III thru VI.

Wurster reiterated his concerns about the extent of proposed changes, stating that the current format may exceed the Commission's authority. Unit 4 of the training materials was cited, emphasizing that the Commission's proposals are limited—particularly when recommending alternate forms of government, only two forms may be submitted: the current and the proposed alternative. If instead of amending the existing plan or modifying an alternative, up to three sub-options may be proposed, each with no more than two alternatives.

Alessi inquired whether the Commission's authority is confined solely to its recommendations, noting her interpretation of statutes suggests otherwise. Attorney Jacobs acknowledged the question's importance and recommended consulting Dan Clark for clarification, stating that many such legal questions are best directed to him.

**Discussion on Section 3.02(i):** The Commission discussed the requirement for the City Administrator to attend Planning Board meetings. Howke clarified that this requirement was removed by voters during the last Local Government Review, which also amended Sections 3.03(2)(a) and 3.03(3). However, the change was not reflected in the most recent Charter. In the 2015 election, voters approved amending Section 3.03 to delete the requirement for the City Administrator's attendance at Planning Board meetings and to clarify the applicability of exceptions to the Administrator's duties.

The Commission may be limited in the number of changes it can recommend to voters, and suggested that adding one sentence could address gender-neutral language through interpretive clarification.

**Section 4.01 (1) Discussion Summary:**

Dugan suggested revisiting the powers of the Mayor, stating the position should hold more significance than simply leading council meetings.

Smith clarified that while City Council approves the creation of or division of departments (e.g., Planning and Building) through the budgeting process, the City Manager holds authority for internal departmental changes.

Whitman inquired about how departmental duties are reassigned. Smith explained that Council sets policy decisions impacting duties, such as adding maintenance of new areas like Smith Fields. Additional responsibilities would require Council approval for staffing through the budget process.

Dugan asked who has the authority to eliminate a department. Smith responded that such decisions, if necessary, due to budget shortfalls, would also follow the budgeting process.

### **Section 5.03 – Reapportionment of Wards Discussion:**

Wurster raised a question regarding whether wards become mandatory once a city reaches first-class status (population of 10,000).

Smith confirmed that for non-charter cities, reaching 10,000 triggers a requirement to establish wards, as outlined in M.C.A. 7-5-4401.

Wurster noted that despite the repeal of related statutes, a provision remains stating all first-class municipalities must have wards.

Dugan inquired about the possibility of a ward being at-large; Wurster responded that this likely stems from defaults established in the 1972 Montana State Constitution.

Section 6.03 Alessi changed from Separability to Severability.

### **Discussion on Charter Election Provisions and Potential Amendments**

Smith referred to MCA 7-3-704 regarding the nomination and election of commissioners. She noted that the Charter must apportion districts by population and offer flexibility in structure (e.g., by district, at-large, or a combination), aligning with state law. Smith supported this interpretation, emphasizing that the current system is at-large but could transition to district-based under options in MCA 7-3-701. Commissioners acknowledged Dan Clark would need to clarify this further.

Dugan discussed possible combinations of council representation without altering the number of councilors, including scenarios involving wards and at-large positions.

Regarding Charter revisions, Dugan supported simplifying language without compromising other goals. Alessi raised concerns over incorrect terminology (e.g., “separability” vs. “severability”), with Attorney Jacobs and Wurster agreeing on corrections.

Wurster stressed the need to limit changes to maintain voter clarity and emphasized specificity, especially regarding formatting adjustments. Alessi proposed eliminating gendered language, correcting errors, and improving formatting. Wurster agreed in principle but preferred expert guidance. Dugan suggested consulting Dan on resolving drafting errors.

#### 4) Public Comment

None

5) Communication to or from Study Commissioners

Dugan stated the Commission should meet again after meeting with Dan to work on the tentative report. He asked Howke to poll an email for availability for another meeting. He said there is potential to schedule multiple meetings to draft the report.

Wurster renewed his objection to the current process and timeline, expressing concern that there is insufficient time to prepare and discuss a tentative report before the May 29th deadline. He emphasized the need for meaningful discussion, which he believes is not feasible within the current schedule. Dugan and Alessi acknowledged the plan to meet with Dan Clark to better understand the proposed changes before determining whether to proceed or postpone.

Smith suggested a Friday Teams meeting; however, Wurster was unavailable. Wurster requested advance notice if the tentative report presentation is to be canceled. Howke stated that the meeting with Dan may help clarify the scope and detail required for the report and will follow up via email to schedule the next steps.

Wurster also raised concerns about the lack of public engagement, stating that survey responses alone are not adequate input. He argued for more public outreach, citing training materials that offer guidance. He added that current meetings have not incorporated those strategies.

Dugan agreed that limited public participation is a problem but questioned whether extending the timeline would resolve it. Whitman shared that, based on his outreach, public interest appears low regardless of timeline. He expressed skepticism about improving participation, though he remains neutral on the two-year study timeline.

Dugan concluded by stating that releasing a tentative report may help spark public interest.

- 6) Next meeting: May 14, 2025, 9am-Noon meet w/Dan Clark  
May 29, 2025, 6pm Public Hearing present/adopt tentative report

7) Adjournment

Dugan adjourned the meeting at 6:50pm.

  
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Nathan Dugan -Vice Chair

Attest:

  
Michelle Howke, Whitefish City Clerk