

RED LIGHT, GREEN LIGHT: ARE THESE ISSUES WITHIN THE SCOPE OF THE VOTER REVIEW?

The following list contains some of the most common issues communities have sought to address through the Local Government Review process that may be influencing community participation in this cycle. Several of the issues are within the legitimate scope of the Review process, the majority are not. This list addresses each issue, explaining why it is or is not within the scope of the Review.

ISSUE	STOP OR GO	EXPLANATION
Changing the number of commissioners or council members	GREEN LIGHT: GO	This issue CAN be addressed through the Voter Review process. Considering if a local government adequately represents the diversity of its constituency is part of the process of evaluating the form and plan of government the study commission is tasked with. Modifying the plan of government to change the number of commissioners or council members is an issue that can be addressed through the Voter Review process (7-3-223, MCA).
Recalling or replacing elected officials	RED LIGHT: STOP	This issue CANNOT be addressed through the Voter Review process. None of the changes that can be made to the form and plan of government through the Review involve creating or implementing a mechanism for disciplinary action or the removal of elected officials. The legal options for recall or replacement are through the ballot or through a recall vote, the process for which is determined in Title 13, Chapter 1, Part 1 of the Montana Code Annotated.
Changing or reducing taxes	RED LIGHT: STOP	This issue CANNOT be addressed through the Voter Review process. Local governments' tax revenue authority and restrictions are established independent of the Voter Review process. Local governments are already restricted in growth to one half the rate of inflation over the last three years by 15-10-420 MCA and they can cap their own taxes via policy. Title 15, Ch 10 Part 4 & Title 7, Ch 6, Part 40 address taxation at the local government level.
Making changes to the areas commissioners or council members represent, for example electing council members at-large vs. by ward or district	GREEN LIGHT: GO	This issue CAN be addressed through the Voter Review process. The Voter Review involves evaluating the form and plan of government and recommending specific changes if considered necessary. Choosing whether commission or council members are elected at large vs. by districts or wards is one option that can be altered in the plan of government and so can legally be addressed through the process.
Adding, changing, or removing services. For example, can a city add recycling services?	RED LIGHT: STOP	This issue CANNOT be addressed through the Voter Review process. During the review, the study commission can consider if a change to the current form or plan of government would facilitate the responsiveness or efficiency of the unit of local government and thus allow it to implement certain services or enhance its service delivery. For example, adopting the Commission-Manager form can enhance efficiency and so could make improvements in service delivery. But the Review itself cannot be used to implement, change, or remove any policies or services.
Annexation, growth plans, and zoning policies	RED LIGHT:	This issue CANNOT be addressed through the Voter Review process. Annexation, growth plans, and zoning are policy decisions made by the legislative body. A commission or council can make

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	STOP	annexation policy decisions by ordinance. The only aspect that could be addressed through the Review would be voting to implement or change a charter to assign annexation responsibilities to the executive rather than the legislative branch. In addition, as mentioned above, the Review itself cannot be used to implement, change, or remove any policies or services.
Transitioning from a mayor to a professional manager or vice versa	GREEN LIGHT: GO	This issue CAN be addressed through the Voter Review process. The decision whether to adopt an alternative form of government is one of the main decisions the Review process helps facilitate. The transition from a mayor to a professional manager or vice versa could be accomplished if the study commission finds enough information to support recommending a change from the Commission-Executive form to the Commission-Manager form or the reverse.
County or county-municipality consolidation or mergers	GREEN LIGHT: GO	This issue CAN be addressed through the Voter Review process. Consolidation or merger is one of the main recommendations available to the study commission to make if they think such a recommendation would be beneficial to the community based on the information and research they gather during the Review process.
Local option tax--sales or resort tax	RED LIGHT: STOP	This issue CANNOT be addressed through the Voter Review process. Sales and resort taxes are both governed by different parts of the Montana Code Annotated. For example, resort tax law is contained in Title 7, Chapter 6, Part 15. Resort taxes are only available to communities that meet specific criteria. To be designated a "resort community," that community must be incorporated, have a population of less than 5,500, and derive more than 50% of its economic well-being from business catering to the recreational needs of people traveling to or through the municipality.
Elections	RED LIGHT: STOP	This issue CANNOT be addressed through the Voter Review process. Election law is governed by a different part of the Montana Code Annotated. While the Review can be used to change things like whether elections are partisan or non-partisan or at large vs by ward or district, for example, election law is governed by Title 13 of the MCA and cannot be influenced or changed in the Voter Review process.