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**LOCAL GOVERNMENT STUDY COMMISSION
AGENDA
WEDNESDAY, MARCH 18, 2026
COUNCIL CHAMBERS CITY HALL**

REGULAR MEETING – 5:00 P.M.

CALL TO ORDER

ROLL CALL

VISITORS/PUBLIC COMMENT

APPROVAL OF MINUTES:

1. Approval of the Regular Meeting Minutes - January 28, 2026
2. Approval of Workshop Minutes - February 18, 2026

UNFINISHED BUSINESS:

3. Amended Final Report including Minority Report
4. MSU Extension Local Government Center - Support Proposal

NEXT MEETING

ADJOURN



City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912
Phone: (406) 892-4391

**Columbia Falls Study Commission
Meeting Minutes
January 28, 2026**

Call to Order: The meeting was called to order at 6:00 p.m. by Chairman Piper.

Roll Call: Study Commissioners Hopkins, Konopatzke, Nicosia and Piper.
Also present: City Clerk Staland.

Approval of Minutes: Commissioner Nicosia made a motion to approve the December 16, 2025, meeting minutes and January 12, 2026, Study Commission workshop minutes as presented. The motion was seconded by Commissioner Hopkins and carried with all members voting in favor.

Visitors/Public Comment: There were no visitors or public comments.

Unfinished Business:

Amended Tentative Report

Commissioner Hopkins discussed revisions he had made to the tentative report following the commission’s previous discussions. Hopkins explained that, with the commission’s approval, he had suggested referring to certain materials as “work products” rather than including them directly as appendices in the report. Under this approach, those materials such as minutes, surveys, and other supporting documents would be compiled into a separate document and assigned their own page numbers. Footnote references in the tentative report would then direct readers to the corresponding page numbers within that work product document.

Hopkins noted that the purpose of this approach was to keep the main report more concise and readable, as including all supporting documentation within the report could add a significant amount of length. He indicated that many readers may not review a lengthy appendix and that separating the materials could make the primary report more accessible while still preserving the full record of the commission’s work.

Commissioner Nicosia responded that creating and referencing a separate work product document could present some logistical challenges. Nicosia expressed concern that if the report referenced page numbers from a separate work product report, the commission would need to compile all the supporting materials, assign page numbers, and ensure that every citation was accurate. Nicosia noted that this could become an onerous task and might require additional time and effort.

Nicosia further commented that the supporting materials referenced in the report, such as the commission’s meeting minutes and survey information are already maintained within the commission’s files. Because these materials are already available in the file and within the commission’s working documents, Nicosia suggested that it may not be necessary to create a separately paginated work product report. Instead, references in the report could simply identify the materials without citing specific page numbers.

Nicosia also explained that the tentative report itself will be formally filed with the appropriate authorities, including the Clerk and Recorder and the Secretary of State’s Office, as required. However, the supporting

work product materials would not necessarily be filed in the same manner. Hopkins reiterated that his was to ensure that the final report could stand on its own and clearly convey the commission's work and findings.

Commissioner Konopatzke suggested that it might be simpler to note within the report that a complete file containing all supporting documents is available for review. Konopatzke stated that she had recently reviewed the file with City Clerk Staland and confirmed that the file contains all the relevant documents compiled throughout the commission's work.

City Clerk Staland confirmed that the file maintained by the city is complete and contains all the documents generated or received by the Study Commission. In addition to the physical file, all materials have also been scanned and stored electronically within the city's computer system, making them readily accessible if needed.

Commissioner Nicosia noted that the report effectively contains three different recommendations and therefore could be viewed as including three minority reports. The commissioners discussed the language within the tentative report regarding the question of whether the city should consider self-governing powers.

The commission acknowledged that a majority of the members had concluded that the question of self-governing powers should be considered and decided by the City Council. However, while two members supported that conclusion, they proposed different approaches for how the issue should be addressed. Those differing approaches are documented within the report.

The commissioners continued to review sections of the tentative report and offered suggestions for revisions and clarifications that would be incorporated into an updated version of the document.

The commission also discussed ways to encourage greater public engagement and participation as the report moves forward in the process. Commissioners noted the importance of ensuring that residents are aware of the report and have an opportunity to review it and provide input.

After discussion, the commission agreed that the report would be revised to incorporate the suggested changes and then brought forward for a public hearing. The public hearing on the report is scheduled for February 25, 2026.

City Clerk Staland advised that the required notice of public hearing will be published in the local newspaper on February 15, 2026, in accordance with notice requirements.

Following the discussion, Commissioner Konopatzke made a motion to bring forward the final report as discussed for the scheduled public hearing on February 25, 2026. The motion was seconded by Commissioner Hopkins. The motion carried with all members voting in favor.

Next Meeting:

The next meeting of the Study Commission is scheduled for February 25, 2026, at 5:00 p.m.

Adjourn:

Commissioner Konopatzke made a motion to adjourn. The meeting adjourned at 6:28 p.m.

Chairman



City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912
Phone: (406) 892-4391

**Columbia Falls Study Commission
Workshop Meeting Minutes
February 18, 2026**

Call to Order: Meeting called to order at 5:00 PM by Chairman Piper.

Present: Commissioners Konopatzke, Hopkins and Piper. Absent: Nicosia
Also Present: City Clerk Staland

Visitors/Public Comment: Don Barnhart attended to observe the commission's progress and provide input if needed.

WORKSHOP DISCUSSION: Discuss documents to confirm they are near completion and ready for inclusion in the final report.

Councilor Piper stated the commission will not bring the final report forward for a public hearing at this time. The commission will first meet to adopt the final report and then schedule the public hearing. Hopkins will submit the final report, Konopatzke will rewrite her report, and Nicosia has submitted a minority report.

Mayor Barnhart asked whether letters supporting or opposing the recommendation from commission members would be presented before or along with the recommendation to council. Hopkins replied that they will be included in the final report.

Hopkins noted the report will likely follow the format of the original report presented at the first public hearing and will include summaries of meetings, minutes, minority report, recommendations or memorandums.

Mayor Barnhart stated the council will not vote to accept or reject the report, as state law requires the process to move forward to an election once the commission makes its recommendation. A resolution will be required to set the election.

The commission discussed the timeline, including the public hearing notice, council review, and election process. It was noted that all paperwork must be completed prior to the recommendation, as the commission's work concludes once the recommendation is made.

Hopkins stated at the March 18 regular meeting it will be critical to ensure all documents are complete. He also mentioned contacting the Local Government Center regarding potential assistance with organizing a public forum. The commission is considering a November election timeline.

ADJOURN The meeting was adjourned at 5:36 p.m.

Chairman



COLUMBIA FALLS MONTANA

REPORT to the CITIZENS of COLUMBIA FALLS and the COLUMBIA FALLS CITY COUNCIL from the COLUMBIA FALLS LOCAL GOVERNMENT STUDY COMMISSION -- March 18, 2026.

At the request of Columbia Falls citizens, a three-member Government Study Commission has reviewed the Council/Manager form of government adopted by voters in 1992. Following a comprehensive and thorough review, the commissioners unanimously agree that the city is, has been, and continues to be, well governed and managed under this form of government. However, with the pace of change and growth accelerating the last 32 years, bringing new challenges and demands to governing, **the commission recommends amending the plan of government for the City of Columbia Falls by adopting self-government power.**

This recommendation is not unanimous. Nevertheless, there is consensus that self-governing power offers the potential for creative problem solving and flexibility to address the evolving needs of citizens. Where the commissioners disagree is whether self-government authority should be adopted by a vote of Columbia Falls' citizens in November this year or wait until the city council finds a need for such power and seeks a petition from citizens to put the question on a future ballot.

This report summarizes the commission's meetings and discussions that led to this conclusion. Included is a minority report recommending a vote on the change at a future date if necessary. Citizens and the city council will also find a review of the commission's constitutional and statutory duties and responsibilities and an explanation of self-governing power versus general government authority. Several non-binding findings and recommendations are also presented for consideration and possible action by the city council.

The commission's work product is not included in this report but is available for public review at Columbia Falls City Hall and is posted online. This includes the results of two community surveys, the commission's meeting minutes, hearing notices, newspaper articles, and several separate reports and memoranda to the commission from city staff and the Montana Local Government Center at Montana State University.

RESPECTFULLY SUBMITTED,

John Piper, Chair (Ex-Officio Member)

Roger Hopkins, Vice Chair

Connie Konopatcke, Member

Susan Nicosia, Member

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ADDITIONAL WORK PRODUCT (*posted online and available for review in the city clerk's office, Columbia Falls City Hall*).

- First Community Survey Questions and Results
- Second Community Survey Questions and Results
- Commission Meeting Minutes and Public Hearing Notices
- Newspaper Reports
- Hopkins' report to commission on the Whitefish Government Review
- MSU LGC "E-Brief: General vs. Self-Government Powers" (2015)
- City Manager Eric Hanks report and memoranda to the commission
- City Attorney's reports and memoranda to the city council and commission

III. INTRODUCTION

Montana's Constitution, adopted in 1972, provided Montana voters with the opportunity to review their local governments' structures every ten years. The review occurs when voters in the local government authorize convening a study commission. If voters elect to have their form of government reviewed, citizens seek election to the commission.

On June 4, 2024, Columbia Falls voters narrowly approved review of the city's form of government. Only one candidate, Columbia Falls' first City Manager Roger Hopkins, filed for election to the three-member study commission, resulting in cancellation of the November 2024 election of commissioners. It fell to the city council to fill the other two seats. The council received two letters of interest, one from former City Clerk Connie Konopatzke and one from recently retired City Manager Susan Nicosia. On October 21, 2024, the council appointed Konopatzke and Nicosia to join Hopkins on the commission. The council also named Councilor John Piper as the city council liaison and ex-officio, non-voting member of the commission. After swearing an Oath of Office administered by the city clerk, they attended the Montana Local Government Center regional training for study commissioners conducted in Whitefish December 10, 2024.

State law prescribes the duties of the commission, “to study the existing form and powers of local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state.”¹ The commission's study is limited to reviewing the form of government, not the city's administration, internal operations, or staff.

In the early months of their study the commission published two surveys from which they learned the commission's purpose was not fully understood by citizens. Other than suggestions for returning to the Mayor/Council form of government, most of the responses from citizens had to do with city council and administration responsiveness, transparency of operations, and sufficiency of services, all matters beyond the scope of the study commission's review. Nevertheless, the commissioners believed the results could be useful to the new city manager, hired by the city council in March 2025. Indeed, with approval from the city council, City Manager Hanks has overseen efforts to improve the tools and techniques used by city staff to communicate with citizens.

Pursuant to state law, upon completion of this study, the commission may: recommend amendments to the existing plan of government; recommend a new plan of government; draft a charter; recommend municipal-county consolidation; recommend disincorporation; or submit no recommendation.² By a two-to one vote, the commission recommends calling for a vote at the November 3, 2026 general election to change the plan of government for the City of Columbia Falls by adopting self-government power.

Commissioners Konopatzke and Hopkins voted in favor of this recommendation. Commissioner Nicosia's minority report and recommendation appear on page _____. This is the Final Report and Recommendation of the 2024 Columbia Falls Local Government Study Commission. The following summaries of nearly two dozen commission meetings describe the discussions and study the commissioners undertook on behalf of Columbia Falls citizens to reach these recommendations and complete this report.

¹ Montana Code Annotated 7-3-172.

² MCA 7-3-185.

IV. REPORT SUMMARY

A. Findings and Summaries of Study Commission meetings.³

January 8, 2025. The study commission began its work after the first of the year. The commission formally organized, selecting Councilor John Piper, the ex-officio non-voting member, as Commission Chair. The commissioners reviewed required bylaws and a timeline as well as the scope of the commission's study. The commission also reviewed the Commission-Manager form of government with general powers,⁴ by which the city currently operates.

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February 12, 2025. The commissioners adopted bylaws and a timeline and scheduled for March 12, 2025, the first public hearing to obtain public input. Whitefish Government Study Commissioner Scott Wurster attended the meeting and provided public comment regarding his interest in observing the Columbia Falls Commission and evaluating ways in which the two cities might collaborate in their reviews. He noted that the Whitefish Study Commission is reviewing their charter form of government, which differs from Columbia Falls current form of government.

The commission reviewed historical Columbia Falls local government review records although the city staff was unable to locate the 1976 minutes or final report. The commission updated the community survey used by the 2014 Columbia Falls Government Study Commission and requested Interim City Manager Mark Shrives to have the survey prepared and returned prior to a March 12, 2025, public hearing.

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March 12, 2025, public hearing. As with the 2014 Study Commission, the 2024 commission was disappointed with a lack of public interest in the review process after the voters approved of the review. No one wished to comment at the public hearing.

Interim City Manager Shrives presented a staff report outlining the different forms of government available to Columbia Falls. The commission held an in-depth review of the charter form of government and read the Whitefish City Charter. The consensus of the commission was that the charter form does not offer the city anything significantly different from the current form of government. Shrives, formerly a city manager in Polson, offered his opinion that the charter government, operating with self-governing powers, offered no specific advantages.

Shrives presented the results of the first Study Commission Survey.⁵ There were 123 respondents. In response to question number 10, perhaps the most relevant question in the survey, half of the respondents (61) said they would keep the city government the same or make a few changes. Forty-eight respondents (39%) said they would “make major changes (or) completely change the form and powers of the City government,” while 9% (11) had no opinion.

³ Further documentation of the study commission's work product and deliberations as recorded in meeting minutes and newspaper articles reported by the Hungry Horse News is available for public review online and at city hall.

⁴ Rather than wait for the 1994 government study review cycle, a committee wrote a petition seeking voter approval to change from the Commission (Council)-Mayor to the Commission (Council)-Manager form of government. Voters approved the change in 1992, which included electing city council members at large as opposed to election from districts or wards.

⁵ See the commission's work product on file at City Hall.

Forty-nine respondents provided comments or recommendations for the study commission. The majority of the comments were not related to the study commission’s scope of review, rather they responded to the suitability of services. Also noted was that only 70% of respondents indicated they live within the city limits.

The commission and Interim City Manager Shrives felt that the survey results provided better information for the city manager and city staff than the study commission. The commission asked Interim Manager Shrives to send out a new survey to Columbia Falls citizens seeking more specific input to the commission. This survey was mailed to every utility billing customer emphasizing that the study commission was seeking the community’s views on the city’s current form of government.

Also at its March 12 meeting, the commission reviewed current interlocal agreements for services between the city and other local governments. These include building code inspections with the City of Whitefish, Flathead County Animal Control and Drug Task Force, and a youth recreation program with School District No. 6. Additionally, the city council appoints city representatives to the Flathead City-County Health Board and Flathead County Solid Waste Board.

Prior to its dissolution, the city participated in the county-wide Flathead Regional Development Office that provided planning and zoning services to the county and all three cities. In the early 2000s, Flathead County opted to separate county and city zoning, and the three cities formed the Tri-City Planning Office. Planning demands in Kalispell and Whitefish drove those cities to disband Tri-City Planning and form their own individual planning offices in 2005. Since then, Columbia Falls has used contract planners to supplement city staff for planning and added the title of Planning/Zoning Administrator to the city manager.

In addition to these formal relationships, city administration, staff, and elected officials maintain open and frequent conversations with Flathead County and “sister” city officials. Commissioner Hopkins said he would attend the next Whitefish Study Commission meeting and report back to the Columbia Falls Study Commission.

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April 16, 2025. The Study Commission reviewed the results of the second commission survey,⁶ which included comments about "wasting our time with a second survey." Of the 110 respondents: 50% indicated that they had voted for the voter review; 75% reported satisfaction with the current Commission/Council-Manager form of government; 52% felt that the current form ensures efficient and smooth operations (25% were unsure); 50% believed the mayor’s role was effective (but again 27% were unsure); 62% responded that they were aware of the current review effort. The Study Commission took note of the community response indicating general satisfaction with the current form of government.

Commissioner Hopkins reported on his attendance at the Whitefish Study Commission meeting on April 2, 2025.⁷ Their commission is exploring amendments to the Whitefish city charter. He mentioned his interest in reviewing the benefits of a charter or self-government powers without a charter. Commissioner Hopkins proposed amending the study commission timeline to form a “working subcommittee” on service consolidation and interlocal agreements, specifically with

⁶ See the commission's work product on file at City Hall.
⁷ See Hopkins' report in the commission's work product on file at City Hall. .

Whitefish. The consensus of the study commission was that the issue of service consolidation and interlocal agreements could be reviewed by the city managers of both municipalities.

Commissioner Hopkins recommended holding a workshop in May with Dan Clark, Director of the Local Government Center at Montana State University, to discuss charters and self-governing powers. Clark and his staff at MSU are Montana's recognized experts in local government and are helping cities and counties that have elected to review their forms of government this year. Mr. Clark had scheduled a meeting for May 14th with the Whitefish Review Commission to go over the city's charter. The commissioners changed their regular May meeting to a workshop on May 15th to meet with Clark.

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May 15, 2025. The workshop was informative as Mr. Clark indicated he no longer recommends adopting charters. He said while there are some exceptions, charters do not significantly enhance governance and can, in fact, hamstring local governments as communities grow and change. While he is no longer a strong advocate of charter governments, he said there are potential advantages for cities to have self-governing powers outside of a charter: "There's no downside to having self-governing powers," he said, because the city would still have all the general government powers by which it currently functions.

Commissioner Hopkins said while neither he nor any of the commissioners propose a charter form of government, adopting self-governing powers could give the council and administration a tool it doesn't currently have to address future problems. Commissioner Konopatzke offered a report she prepared on cities and towns with self-governing powers. Her review revealed that of Montana's 129 cities and towns, 83 have general government powers, 33 have charters with self-government authority, and nine have self-governing authority without a charter. She asked what is it that those cities and towns with self-governing authority can do that Columbia Falls cannot?

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June 18, 2025. Discussion focused on presenting a recommendation that the council call for a vote of the citizens of Columbia Falls on the adoption of self-governing powers. While the commission did not identify a current or anticipated need for self-governing authority commissioners agreed the power of self-government could offer future flexibility to address currently unforeseen challenges and opportunities for the city council.

The study commission's consensus was to provide the recommendation to the city council with a "future election" reference that allows the council to call for the election as provided in MCA 7-3-149. Nicosia volunteered to draft the tentative Final Report for the next meeting in July. The commission also amended the timeline to provide for a public hearing on the tentative report in September and projected adoption of a final report in November.

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July 16, 2025. Commissioner Nicosia submitted her draft Tentative Final Report shortly before the start of the 5 p.m. meeting. The commissioners thanked her for her initiative and effort to write the report. Much of Commissioner Nicosia's work on those sections has been incorporated into this report.

The commission focused primarily upon the report's recommendation, in which Commissioner Nicosia wrote, "The Study Commission found no significant community interest in amending the existing form of government. However, the Study Commission assessment did indicate that the city may benefit from the implementation of self-governing powers."

By unanimous vote the commission adopted Commissioner Nicosia's recommendation as follows: "**The 2024 Columbia Falls Study Commission formal recommendation is to pursue, by a future election, self-governing powers without identifying a specific current need for them. The Study Commission acknowledges that the City Council has the authority in 7-3-149, MCA to call for an election.**" Commissioner Konopatzke proposed adding that the pursuit of self-governing powers would "allow for future flexibility and address currently unforeseen challenges and opportunities for the City Council."

The commissioners questioned the appropriateness of Commissioner Nicosia's personal recommendation for the "City Council (to) direct the reservation of funds from the Study Commission Special Revenue Fund when the fund is closed into the General Fund in compliance with state statute." The commissioners agreed there was no harm in leaving that recommendation in the report.

Also discussed was Commissioner Nicosia's explanation that while she was not formally dissenting, she "acknowledged the difficulty in asking for self-governing power without providing the public with a clear need for the authority. Mr. Clark had reported that the City of Havre held elections for self-governing powers four times before it passed on the fifth try as the Council had identified a specific need (the ability to amend State Building Codes) for self-governing powers." The commission decided the reference to the Havre effort to acquire self-governing authority was not needed but agreed to retain Commissioner Nicosia's concern regarding lack of a currently expressed need for the city to adopt self-governing powers.

The day after that meeting Commissioner Hopkins took a closer look at the commission's statutory requirements. He grew concerned that if the study commission stays with the recommendation as written, "at best the commission would shirk its responsibility, or at worst not follow the law, by punting the decision to the council to set a date for an election on the recommendation." Hopkins believed if the commission recommends a change in the plan of government, in this case adopting self-government powers, it is the commission's responsibility to set the date for an election on that recommendation.

Hopkins suggested seeking review of the recommendation and the commission's responsibilities from Dan Clark and/or the Columbia Falls City Attorney. City Manager Eric Hanks, having been alerted to the discussions between Commissioners Hopkins and Nicosia, sought guidance from Dan Clark and Columbia Falls City Attorney Justin Breck.

City Manager Hanks wrote a staff report⁸ to the commissioners, included with the agenda packet for the September 10, 2025, commission meeting, in which he summarized the options facing the commission, either of which would be legally permissible. He said the first option, as stated in the draft report, recommends that the city council consider adopting self-government powers and call for an election at a future date, ostensibly at such time that the council sees a need for this authority. The second option: if the commission recommends a change in the plan of government to adopt self-governing powers without recommending the council do so at some future date, the commission sets an election date for voters to decide the fate of the recommendation. The council's only authority is to officially call for the election by Resolution, the means for putting the question on the ballot.

⁸ See commission's work product on file at City Hall.

City Manager Hanks encouraged the commission "to deliberate on the two statutory options, weigh their respective efficacy, and clearly document its final recommendation in the Final Report. A clear and unambiguous recommendation will ensure consistency with statutory requirements and minimize confusion for the City Council and the public," he wrote.

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September 10, 2025. The commissioners met with City Manager Hanks and City Attorney Breck to discuss the options and to vote on the alternatives. Commissioner Hopkins' said when Commission Nicosia's draft report was reviewed by the commission at the last meeting, he didn't understand the nuance of her recommendation. He said his goal is to give citizens a decisive opportunity to choose self-government authority now, not wait for an issue to arise for which self-governing powers might be needed.

Granting that there is no immediate perceived need for this power, Hopkins said with all the rapid changes that are occurring: development and deployment of Artificial Intelligence, usurping of local government control by the state Legislature, pending growth and development in the city, upending of federal government services with changing budget priorities, layoffs and firings of federal employees, it could serve the citizens of Columbia Falls if the city council and city administration had greater flexibility to respond sooner than later to community needs caused by these changes.

Commissioner Hopkins said the only downside he could see to a recommendation to change the city's plan of government is the cost of the election. City attorney Breck noted that in the alternative, if the commission chooses to recommend that the city council decide when or if to seek self-governing authority, it would have to do so by petition. If the petition passes, the proposal would still require a vote of citizens.

Commissioner Konopatzke said she believes it is the commission's responsibility to make the decision whether to recommend adopting self-government powers. It shouldn't be left to the city council. She said citizens voted for the review and the study commission should see it through as the funding as been levied and appropriated.

Commissioner Hopkins made a motion for the Columbia Falls Government Review Commission to recommend a change in the City of Columbia Falls plan of government to adopt self-government powers, seconded by Commissioner Konopatzke. Commissioners Konopatzke and Hopkins voted yay. Commissioner Nicosia voted no. Commissioner Hopkins volunteered to draft a new Tentative Report.

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October 22, 2025. The commission reviewed Commissioner Hopkins' draft Tentative Report and discussed several edits and clarifications. The two most significant changes included making it clear that if voters approve adoption of self-government powers, the city retains all the current powers granted to local governments by the Legislature. Secondly, Commissioner Nicosia said she is still thinking about her vote in opposition to the recommendation: "I am still searching for a reason to recommend this change without an immediate need for it."

Commissioner Nicosia voted with Commissioners Konopatzke and Hopkins to approve the amended draft Tentative Report, reserving the right to include a minority report following the public hearing and prior to publishing a final report.

The Commissioners reviewed the timetable for publishing notice of the upcoming public hearing on November 19, 2025. Commissioner Hopkins thanked Commissioner Konopatzke for her proposed changes, and Commissioner Nicosia for her original draft report, which he said helped significantly in writing the new draft Tentative Report.

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November 19, 2025, public hearing and meeting. The public hearing scheduled for the evening drew two citizens: Darin Fisher, chair of the Columbia Falls Planning Commission and City Councilor Paula Robinson. Fisher said he read the tentative final report and saw that space was reserved for a minority report. He asked if Commissioner Nicosia was still intending to have one. She said she was waiting to hear from the public at this hearing to help form her final position, adding she's exhausted her efforts to find a reason to put the question to voters. She said so far the city has been able to govern effectively with just general government powers and without a specific reason to ask voters to approve self-governing powers, she believes the proposal will be defeated. If she is unable to find a compelling and immediate need for this change she said she will have a minority report recommending that the council seek adoption of self-governing powers by ordinance if such a need is identified in the future.

Commissioner Konopatzke read a statement in opposition to that minority view. She said while there is not a current situation requiring self-government powers there are advantages to having them. The city will retain all its current authority while having flexibility to be proactive if future needs arise. There is no downside to adopting this change. Doing as Commissioner Nicosia suggests, recommending that the council propose self-governing powers by ordinance, if and when the need should arise, would be more costly and time-consuming, requiring more public engagement and another election. Voters have already approved financing for this election. Adopting self-government powers will enable the city to become more effective in its own problem solving and governing process.

Commissioner Hopkins said he agrees this is an opportunity to be proactive rather than reactive to future problems or needs in the community. But he also agrees without an immediate acknowledged need for this change, voters may be more likely to vote it down. Should it be defeated, and a need arise in the future, a negative vote now may doom a future council from seeking power from voters. Secondly, as the proposal for this change came midway through the commission's study, without posing the question of self-governing powers in our citizen surveys, the commission has not received citizen feedback on the proposal, has not met with constituent groups such as the chamber board and others, or held a work session with the city council. Such outreach engagement would have better informed our views as well as the public's. He asked if more time should be taken to meet with these groups.

Chairman Piper, while acknowledging he is a non-voting commission member and rarely shares his opinion, agreed that without knowing what, exactly, the commission is trying to sell, it will be hard to win in an election. Additional discussion involved amendments and additions to the final report. Commissioner Hopkins moved adoption of the tentative final report with the proposed amendments. Commissioner Nicosia seconded. The motion passed unanimously.

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December 16, 2025. The commissioners met to review additions and edits to their draft final report in preparation for approval of a final report at the January 21, 2026, meeting. Commissioner Konopatzke asked if new business could be discussed before digging into the report. Commission Chairman Piper asked for and received concurrence from the other commissioners to do so.

Commissioner Hopkins presented a recommendation that the city council pass an ordinance establishing community councils. He said the commission's survey of citizens revealed a desire to know and understand more about how the city functions, how decisions are made, and how to engage with the city administration and city council to steer future growth and development. Additionally, nearly half the respondents complained the city is unresponsive to their needs.

Hopkins suggested that these informal advisory groups could provide a way for citizens to understand how the city functions and to study issues coming up for council action, as well as provide a mechanism for community members to bring forward concerns and suggestions without the constraint of appearing before the council. These councils could meet at places and at times convenient to their members. Hopkins said it is not always convenient for citizens to attend council meetings, especially parents with children, as well as those with work schedules that do not allow attendance at meetings. He added that from his own personal experience, it can be intimidating to stand in front of the council and voice concerns. In a written report to the commission Hopkins cited examples of community councils in other cities that could provide a model of adoption in Columbia Falls.

The commissioners discussed the specifics of how these community councils would function with scheduled meetings of members appointed by the city council, the merits of the proposal, and how the recommendation would be included in the final report. Hopkins moved to include the recommendation to the council as Section V part B. Seconded by Nicosia and passed. Any commissioner who supports the recommendation could also sign onto it.

Commissioner Konopatzke asked for a financial report. Discussion followed regarding what has been spent of the tax levy and what was remaining. Konopatzke offered an observation about how the commission might have been better served by beginning its work with a closer review of the statutes putting forth the process and responsibilities of the commission. She mentioned the requirement that the study commission sets the date for the election and vote on the commission's recommendation along with the certificates setting forth the ballot language.

Commissioner Hopkins reported on his communication with MSU Local Government Center Director Dan Clark regarding the flexibilities of the commission and individual commissioners to explain and potentially market the commission's recommendation to the public prior to the election. He presented a copy of his email communication with Mr. Clark, which discussed the fine line between advocating for the proposal and educating the public about the proposal.

The commissioners again discussed the problem raised by Commissioner Nicosia and Chairman Piper about "selling" the proposal to the public without a specific need. Commissioner Konopatzke asked Commissioner Nicosia if by means of her minority report she wanted the recommendation to voters to fail. Commissioner Nicosia said she doesn't want it to fail but believes it will fail. Commissioner Konopatzke said that is an assumption, adding there is no downside to giving the city the power of self-government now, even without a specific need at this moment.

Commissioner Hopkins said he shares Commissioner Nicosia's concern, adding that the commission's proposal feels like a solution in search of a problem and that it would be helpful if we had a crystal ball and could see into the future. Yet with conditions so rapidly changing with growth, technology, state and federal funding and priorities, he still believes it would serve the

city to be proactive and have the tool of self-governing powers available to solve problems that can't yet be identified.

The commissioners discussed ways to educate the public and develop a plan to do so: postcards, flyers, newsletters, social media, attending meetings of local boards and service clubs, etc. The date of an election was considered. Commissioners agreed a November election would be too late, even though the cost for that election would be less than in June. The deadline for submitting the ballot language to the county for the June 2 primary would be March 9. This will require council voting to call for the election no later than the council meeting March 2.

The commissioners discussed the format of the final report. Commission member Konopatzke moved and the commissioners voted to eliminate the appendices from the final report. Commissioner Nicosia moved to add a statement in the final report informing citizens and the council that the commission's work product, including but not limited to minutes and surveys, are available for review at city hall.

The commission reviewed the final report for typographical and grammatical edits. A motion was made and passed unanimously to prepare a final report for January 21 with the changes discussed.

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January 12, 2026, commission workshop. The meeting was called to give a fine review and make any changes to the final report before it was to be approved January 21 for submission to the city council. At the beginning of the meeting commissioner Hopkins read a prepared statement⁹ explaining his decision to change his recommendation for the city to adopt self-governing powers. He said he regretted changing his stance but upon further reflection he's concluded the proposal will be defeated without a specific need for the authority or unanimous support for the proposal by the commission. He cited what he views as the commission's failure to review the proposal with community and business leaders and any effort to gain feedback on the idea from city council members, city staff and other constituency groups, such as the chamber of commerce.

Only one citizen had expressed support for the change, that coming in a letter to the editor of the Hungry Horse News. Despite several articles that appeared in the newspaper, and following two public hearings on the commission's work, the only other public support for the proposal has come from Commissioners Konopatzke and Hopkins. Without a larger constituency to support the recommendation for self-government powers, and with limited time to put the question on the June primary ballot for voters to consider, Commissioner Hopkins said he no longer supports recommending the change.

Commissioner Konopatzke said she will continue to support the proposal by means of a minority report, reflecting her on-going belief that it is in the best interest of the city and its citizens to put the matter on the ballot. Also, she said it is the commission's responsibility to study the form of government and if improvements to the city's operations are available, to recommend those improvements to voters and she is disappointed the matter will not go to a vote.

Following further discussion, the commissioners agreed to cancel the Jan. 21, 2026, meeting, which was set to review and approve the commission's final report. Due to Commissioner

⁹ See January 12, 2026 minutes in the commission's work product on file at City Hall.

Hopkins no longer supporting the recommendation for self-government powers, a new Tentative Final Report would need to be drafted recommending no change. Commissioner Hopkins said he would have that available for review at a workshop set for Jan. 28, 2026.

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January 28, 2026, workshop. Moments before Commission Chairman Piper called the meeting to order, Commissioner Nicosia handed to the commissioners a memorandum from City Attorney Justin Breck. She said she asked Attorney Breck to review the council’s options for responding to the commission’s new report without a majority recommendation for an election on a change to the city’s plan of government. Attorney Breck confirmed that absent a recommendation for the commission, the council could, nevertheless, call for a change in the plan of government by ordinance.

Without further review or discussion of Attorney Breck’s memorandum, the commissioners turned to reviewing a draft of the Commissioners revised Tentative Report, which included three separate minority reports. The third paragraph of the report cover page was amended as follows: “After extensive deliberation and consideration of public input on the commission’s first proposal, a majority of the commission has concluded: **the question of self-governing powers should be considered and decided by the city council.** However, two of the commissioners (Nicosia and Hopkins) have different approaches, as documented in this final report.”

The primary difference between Commissioners Nicosia’s and Hopkins’ recommendations is while Commissioner Nicosia recommended waiting until a need for self-government powers arose, Commissioner Hopkins recommended that the council pass an ordinance putting the question to voters on the November general election ballot. If the council called for and debated an ordinance calling for the vote, the issue could potentially garner more public input than what the commission has thus far received.

Hopkins said he realized the council would not be obligated to consider an ordinance. Even if one was brought forth for the council to consider, council members would not be obliged to vote favorably for it. If, however, the council did approve the ballot measure, such support would put voters on notice that a majority of the council members believe the idea has merit.

Commissioner Nicosia reminded the commissioners that this revised report, without a recommendation to the council, will require another public hearing. The prior report presented at the public hearing held November 19, 2025, recommended an election on a proposal for Columbia Falls voters to approve self-governing powers for the city.

Following further review and edits of the draft, Commissioners Nicosia and Hopkins voted to approve the tentative report recommending no change in the form of government, Commissioner Konopatzke voted against the no-change recommendation. The commission scheduled a public hearing on a revised final report for February 25, 2026.

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February 18, 2026, workshop.¹⁰ Chairman Piper scheduled this meeting after receiving a message from Commissioner Hopkins. Hopkins said that when he began to preparing the final report for the public hearing February 25, he more carefully read Attorney Breck’s memo,

¹⁰ Commissioner Nicosia was unable to attend the workshop meeting. Mayor Don Barnhart attended as an interested member of the public.

delivered by Commissioner Nicosia moments before the start of the workshop January 28. Based upon his closer reading he said it appears as though the council requires a petition from the city's electorate before passing an ordinance to put the change to a vote of Columbia Falls' citizens.

Even if a petition was presented to the city council calling for self-government powers, there would not be enough time to meet the November 2026 election timeline. Therefore, he has returned to his first recommendation for the commission to call for the election. However, with insufficient time for the commission to put the question on the June primary ballot, he suggests asking for assistance from the MSU Local Government Center to help educate the city's electorate on the proposal and to conduct a public forum before a vote on the plan at the November general election.

Commissioner Konopatzke said having passed the deadline for putting the proposal to a vote at the June primary election, she will support putting it to a vote at the November general election. Because this was a workshop and no official action could be taken, the matter is to be voted upon at the next study commission meeting March 18.

Hopkins said he could have a revised draft prepared for review at that meeting. He also said he would contact the Mr. Clark at the MSU LGC to ask if he or a staff member would be available to assist the commission with public engagement and marketing of the proposal before the November election. He said he would also ask Director Clark for a proposal with costs estimates that could be available for consideration at the commission's March 18 meeting.

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March 18, 2026.

B. Self Government versus General Government Powers

The successful vote in November 1992 on the petition to change from the Commission(Council)-Mayor to the Commission(Council)-Manager form of government ushered in a significant change to the city's administration. The petition also proposed changes to the governing body, specifically proposing elimination of council wards and calling for the mayor to vote on every action and not just to break a tie vote. Additionally, voters chose to continue appointing a city judge instead of having the judge elected.¹¹

When proposing the change in government, the petitioners opted not to select self-government powers, choosing instead to maintain general government authority. Without knowing the reason for this decision, it is safe to assume that the drafters of the petition believed convincing voters to approve such a consequential change in how the government operated was enough to ask the citizens of Columbia Falls to approve.

The 2014 Study Commission also reviewed the question of a charter form of government with self-governing powers along with studying the current form of government. Their final report recommended no change to the current form of government.

Throughout the course of the 2024 Study Commission review, commissioners found no significant community interest in amending the existing form of government. Furthermore, when commissioners began a review of self-governing powers, there was consensus that writing a charter offered no specific benefits. However, the commission's study and review did suggest the city could benefit from the implementation of a change in the plan of government by adopting self-governing powers without a charter.

In 2015 MSU's Local Government Center prepared a report on the differences between self-government and general government authority. As cited in that report, the power of municipalities with general government authority is limited to the activities allowed by Montana law, specifically MCA 7-1-4123 and 4124. These statutes enable any municipal government to protect the public health, safety and welfare within their community. The statutes also provide that a general-powers municipality may perform any function, provide any service and exercise any power authorized by state law.

In short, local governments with general government authority may only exercise powers specifically granted by the state. If the state Legislature has not delegated the power to a municipality to provide a service or perform a governmental function, a municipal government with general powers is not authorized to do so. In contrast, **Article XI, section 6, of the 1972 Constitution** says that in addition to the powers granted by the state Legislature, local governments with self-government authority "may exercise any power not specifically prohibited by the Constitution, state law, or (a) local government charter."

As noted by the Local Government Center, over time the Legislature has forbidden local governments from exercising certain powers. MCA 7-1-111 lists 30 such prohibitions as of 2023. It's likely when the 2025 Montana Code Annotated is published, municipalities will find even more legislative prohibitions. Despite these prohibitions the LGC asserts, "possession of self-

¹¹ The city affirmed that method with an Attorney General's Opinion (AGO Vol. No. 45 Opinion No. 15) on October 22, 1993.

government powers may well enable a municipality to act in the best interests of its citizens under circumstances where a general powers government would not be able to act.

"The availability of self-government powers to a municipal government will not, in and of itself, solve community problems or improve local government performance. At best, self-government powers will enable a community and its local government to become more effective participants in their own problem solving and governing processes." ¹²

V. CERTIFICATION OF THE EXISTING AND PROPOSED PLANS OF GOVERNMENT AND STUDY COMMISSION RECOMMENDATION

A. Existing Form – Commission-Manager with General Powers

The current form of government, as approved by the citizens of Columbia Falls, complies with state law found in Title 7, Chapter 3 of the Montana Code Annotated and the following Sections:

- 7-3-301 Commission-manager form;
- 7-3-302 Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:
(1) general government powers.
- 7-3-303 Appointment of manager;
- 7-3-304 Duties of manager;
- 7-3-305 Employees of commission-manager government;
- (7-3-306 through 7-3-310 reserved);
- 7-3-311 Structural suboptions. The plan of government shall define the structural characteristics of the form by 7-3-312 through 7-3-318.
- 7-3-312 Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, must be appointed by:
(3) the commission.
- 7-3-313 Selection of commission members. The commission shall be:
(1) elected at large.
- 7-3-314 Type of election. Local government elections shall be conducted on a:
(2) nonpartisan basis.
- 7-3-315 Presiding officer of commission. The presiding officer must be:
(2) elected by the qualified electors for a term of office (1992 voter-selected suboption).
- 7-3-316 Terms of commission members. Commission members shall be elected for:
(2) overlapping terms of office.
- 7-3-317 Size of commission and community councils. The size of the commission shall be seven (7), and community councils to advise commissions may be authorized by ordinance (1992 voter-approved provisions).
- 7-3-318 Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

¹² See commission's work product on file at City Hall: MSU Local Government Center "E-Brief: General vs. Self-Government Powers" (2015).

B. Proposed form - Commission-Manager with Self-Government Powers

The proposed plan of government recommended by the commission is identical to the current plan of government approved by the citizens of Columbia Falls in 1992 and complies with state law found in Title 7, Chapter 3 of the Montana Code Annotated with the following exception:

- 7-3-302 Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:
(2) self-government powers.

C. Recommendation to the City Council / Language to be Submitted for the Ballot

The 2024 Study Commission thoroughly reviewed the current form of government and the alternative forms of government in compliance with the statutory duties of the commission specified in 7-3-102, MCA. As noted in the introduction, it is the responsibility of the study commission to submit a report proposing one of the following options: recommend amendments to the existing plan of government; recommend a new plan of government; draft a charter; recommend municipal-county consolidation; recommend disincorporation; or submit no recommendation.

The 2024 Columbia Falls Study Commission’s final recommendation, by a 2-1 vote, is for voters to amend the City of Columbia Falls plan of government and approve adoption of self-governing powers.

As required by MCA 7-3-186(d), the commission sets the date for the election on this question for November 3, 2026.

Furthermore, as required by MCA sections 7-3-192 and 7-3-150(1), the commission sets for the ballot language to be submitted to the Flathead County Election Administrator as follows:

(pending)

D. Minority Report.

While I am in general agreement with pursuing self-governing powers, I also agreed with the plan to recommend to the City Council to pursue the powers when there became an apparent need.

The Study Commission thoroughly reviewed the topic of self-governing powers. We learned that the City of Havre held four elections before their voters finally approved the adoption of self-governing powers once they had identified the community’s desire to adopt more stringent building codes to address dilapidated buildings. This power has now been provided to municipalities with general government powers in 7-1-4124 (19), MCA.

The topic of self-governing powers came from the commission members and not through the community surveys or through the public study commission meetings. Only recently a community member wrote a letter to the editor of the Hungry Horse News in support of self-governing powers. During the workshop held with Dan Clark, Local Government Center Director, only three individuals attended, one from within the city limits. The city resident expressed concern with the council having the power to adopt laws under self-governing powers. The 2014 Study Commission also reviewed the potential of self-governing powers and ultimately recommended no change to the current form and plan of government.

If the City of Columbia Falls could adopt development standards deemed appropriate by the community and the council with self-governing powers, asking the community to vote for self-governing powers would be a “no brainer,” but the legislature has taken away most local control over planning and zoning.

As a general powers government, the City of Columbia Falls City Council has liberally construed powers of a municipal corporation and legislative, administrative and other powers provided or implied by law Article XI, Section 4, Montana Constitution and 7-1-4124, MCA.¹ The general governments powers have been expanded by the legislature.

Self-governing powers are provided in Article XI, Section 6 Montana Constitution. A local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter (7-1-101, MCA). Key to self-governing powers are the powers denied by 7-1-111, MCA.² With each legislative session, the list of powers denied grows exponentially.

Accordingly, I am opposed to recommending a change in the plan of government by recommending the adoption of self-governing powers at this time.

Sincerely,

Susan M. Nicosia, Study Commission

17-1-4124. Powers. A municipality with general powers has the power, subject to the provisions of state law, to:

- (1) enact ordinances and resolutions;
- (2) except as provided in **7-5-103(2)(d)(iv)** and **7-5-121(2)(c)(iv)**, sue and be sued;
- (3) buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;
- (4) contract with persons, corporations, or any other governmental entity;
- (5) pay debts and expenses;
- (6) borrow money;

- (7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;
- (8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;
- (9) make grants and loans of money, property, and services for public purposes;
- (10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;
- (11) hire, direct, and discharge employees and appoint and remove members of boards;
- (12) ratify any action of the municipality or its officers or employees that could have been approved in advance;
- (13) have a corporate seal and flag;
- (14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public use authorized by law;
- (15) initiate a civil action to restrain or enjoin violation of an ordinance;
- (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety;
- (17) conduct a census;
- (18) conduct inventories of public property and preparatory studies;
- (19) condemn and demolish hazardous structures;
- (20) purchase insurance and establish self-insurance plans;
- (21) impound animals and other private property creating a nuisance or obstructing a street or highway;
- (22) establish quarantines;
- (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in **7-1-4150**; and
- (24) exercise powers not inconsistent with law necessary for effective administration of authorized services and functions.

7-1-4123. Legislative powers. A municipality with general powers has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

- (1) preserve peace and order and secure freedom from dangerous or noxious activities;
- (2) secure and promote the general public health and welfare;
- (3) provide any service or perform any function authorized or required by state law;
- (4) exercise any power granted by state law;
- (5) subject to **15-10-420**, levy any tax authorized by state law for public or governmental purposes as described in **7-6-2527**;
- (6) appropriate public funds;

(7) impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;

(8) grant franchises; and

(9) provide for its own organization and the management of its affairs.

27-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of **7-33-4128** or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in **7-3-1105**, **7-3-1222**, **7-21-3214**, or **7-31-4110**, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;

(13) (a) any power that applies to or affects landlords, as defined in **70-24-103** and **70-33-103**, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24, 25, and 33; or

(b) any power to deviate from or add to the exclusive application of the provisions of:

- (i) the Montana Residential Landlord and Tenant Act of 1977, Title 70, chapter 24;
- (ii) residential tenants' security deposit law in Title 70, chapter 25; or
- (iii) the Montana Residential Mobile Home Lot Rental Act, Title 70, chapter 33.
- (14) subject to **7-32-4304**, any power to enact ordinances prohibiting or penalizing vagrancy;
- (15) subject to **80-10-110**, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.
- (16) subject to **80-5-136(10)**, any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in **80-5-120**. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.
- (17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;
- (18) subject to **76-2-240** and **76-2-340**, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;
- (19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in **61-10-101** through **61-10-104** on a highway that is under the jurisdiction of an entity other than the local government unit;
- (20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;
- (21) any power as prohibited in **7-1-121(2)** affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in **7-1-121(4)**;
- (22) any power that provides for fees, taxation, or penalties based on carbon or carbon use in accordance with **7-1-116**;
- (23) any power to require an employer, other than the local government unit itself, to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law;

(24) any power to enact an ordinance prohibited in **7-5-103** or a resolution prohibited in **7-5-121** and any power to bring a retributive action against a private business owner as prohibited in **7-5-103(2)(d)(iv)** and **7-5-121(2)(c)(iv)**;

(25) any power to prohibit the sale of alternative nicotine products or vapor products as provided in **16-11-313(1)**;

(26) any power to control the amount of rent charged for private residential or commercial property. Private residential property does not include property in which the local government unit has a property interest or in which the local government unit has an interest through a housing authority.

(27) any power to require additional licensing when the state is the original issuer of the license;

(28) any power to prohibit or impede the connection or reconnection of an electric, natural gas, propane, or other energy or utility service provided by a public utility, municipal utility, cooperative utility, or other energy or fuel provider;

(29) any power to prohibit the purchase or use of any fuel derived from petroleum, including but not limited to methane, propane, gasoline, and diesel fuel, or the installation or use of any vehicles, vessels, tools, or commercial and residential appliances that burn or transport petroleum fuels; or

(30) any power to require that buildings be constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles.

E. Rebuttals to Minority Report.

The voters approved a Local Government Study Commission in November 2024 to review the current form of government along with other options. A commission was created and authorized to conduct this study. After more than a year long process, the commission made a final recommendation to present to the electors the option to adopt Self Government Powers, which would allow the city government to be proactive should a situation arise in the future that could be addressed in a timely manner. There would be no change in the current Council/Manager form of government should this measure pass, this would be in addition to. There is absolutely no downside to this. The funding is in place for the election and any other related costs. The committee is willing to further educate and involve the public to understand the potential benefits of this option.

Connie Konopatzke
Local Government Study Commission Member



As easily as the Legislature has prohibited local governments from enacting ordinances that are in the best interests of their constituents, the Legislature has the power to reverse those prohibitions. For reasons that would require extensive study and research, Montana State Legislators have pre-empted the wisdom and experiences of local elected officials to determine what is in the best interests of their local citizens. Legislators in Montana, living more than 500 miles from Columbia Falls, are deciding what is best for our citizens. It's as if legislators in Tacoma, Washington, decided how citizens in Columbia Falls should manage their communities.

Arguably, the social, economic and cultural needs of the citizens of Columbia Falls are more in line with those of residents of Glendive, Montana, even though Glendive and Tacoma are both 553 miles away from Columbia Falls. But the point is, why should legislators, a day-long drive away from Columbia Falls, who don't live and experience the unique needs and aspirations of our citizens, decide what is best for us?

At least one legal scholar has examined the apparent betrayal by state Legislators of the language and intentions of the delegates to the 1972 State Constitution Conventions.¹³ **MORE TO COME**

Roger Hopkins
Vice-chair, local Government Study Commission

¹³ "Reclaiming Self Government," Montana Law Review, Vol. 85; Issue 2. April 22. 2025. <https://scholarworks.umt.edu/mlr/vol85/iss2/3/> (accessed February 11, 2026).

F. Supplemental Recommendations.

1. **Explore, and potentially create by ordinance, community councils to better engage the community in city government and bring forth concerns from the community.** The current form of government allows the council to establish, by ordinance, "community councils" to advise commissioners [MCA 7-3-317 (2)]. Creating these advisory groups could provide a way to engage citizens in the business of their local government in a manner that offers flexibility for citizens. Community councils can meet at times convenient for the members and bring forward concerns and suggestions without the constraint of appearing before the council during rigidly scheduled and time-limited public comment periods shortly after 7 p.m. on the first and third Mondays of the month.

Adoption of community councils does not require a vote of the citizens of Columbia Falls. Several municipalities and counties in Montana have adopted community councils and could serve as examples for establishing a structure that suits Columbia Falls. Even the Flathead County Commissioners have established a community council: Lakeside Community Council.

Examples of municipal community councils include Great Falls' "neighborhood councils," established by ordinance. A Neighborhood Council Handbook is available at <https://greatfallsmt.net/neighborhoodcouncils/neighborhood-council-handbook>. In Helena, the establishment of "citizens councils" came through the city's charter, language for which can be found at <https://www.helenamt.gov/Government/Helena-Citizens-Council>.

I encourage the city council to consider this option.

Vice Chairman Hopkins

2. **Recommendations for future study commissions** should the public approve a review in 2034 or thereafter:
 - Before the next review the city should provide more public information about the review process, what it entails and what it does not, and ask voters to approve a five-member commission (three is insufficient for generating discussion and ideas).
 - If voters approve another review, future commissioners should subscribe to the top tier consulting package offered by the Local Government Center at MSU, Bozeman. Those staff members are experts in understanding local governments and the review process. Subscribing to their services, which are shared with other local government review commissions, would improve efficiency and may result in cost savings to the city.

- The commission should hire a secretary to keep minutes, attend meetings, and act as a liaison to the city for notices of public hearings and website development, etc., or acknowledge a formal relationship with a city staff member willing and able to work for the commission.¹⁴
- Before commencing study, the commissioners should review in detail the requirements of a study commission as outlined in state law, MCA 7-3-171 through 7-3-193.
- After reviewing and developing an understanding of all possible changes and improvements to the form of government, commissioners should conduct one-on-one interviews with community and business leaders, city staff and city council members to explain the role of the commission and solicit recommendations for changing how the local government operates.
- When there is an insufficient number of candidates seeking election to a study commission, state law allows the governing body to appoint members. This was the situation in 2024 when only one person sought election to the commission. While the law prohibits the appointment of an elected official to sit as a voting member of the commission, it does not preclude city employees or contractors from being appointed. In the future, should there be a lack of candidates, the council should seek other than a city employee or person on contract with the city to fill the position.

Vice Chairman Hopkins

¹⁴ MCA 7-3-183(1) gives study commissions the authority to make arrangement for support staff.

MONTANA STATE UNIVERSITY EXTENSION LOCAL GOVERNMENT CENTER

Study Commission Support Proposal for the City of Columbia Falls Study Commission

Proposal Date: March 11, 2026

OVERVIEW

The MSU Local Government Center (LGC) strengthens the capacity of Montana's local governments by providing training and support to elected, appointed, and administrative officials and staff. For the City of Columbia Falls Study Commission, LGC is proposing a combination of services to provide structured support to the Commission's as it navigates the remainder of the voter review process in 2026.

This proposed scope of work includes one in-person community facilitation, review and refinement of the tentative report, preparation of clear and accessible educational materials, and two virtual meetings with the Study Commission to support process understanding and decision-making.

Scope of Work

MSU LGC staff will provide the following services in support of the City of Columbia Falls Study Commission:

- Assistance developing language for community education materials
 - LGC will assist in drafting and refining language for educational materials to assist the study commission in communicating appropriate information to the public.
- Facilitation of one (1) in-person community education forum
 - LGC will design and facilitate a community engagement workshop focused on gathering resident input and questions related to the structure of municipal government in Columbia Falls and answering questions related to the proposed changes to the current structure.
- Review of the study commission's tentative report
 - LGC will provide professional review and feedback on the study commission's tentative report including completeness of required elements, clarify of language and structure, recommendations for strengthening and/or clarifying explanations and options available to the voters.
- Two (2) virtual consultations at study commission meetings
 - LGC will meet with the Study Commission via Zoom (or the platform of choice)

to provide guidance on statutory requirements, assist with process planning, answer study commission questions, and support consensus-building discussions.

Timeline & Expected Cost for Execution of Work

Key project dates and costs are outlined below. Needed changes will be determined as mutually agreeable by both parties. Until acceptance, this pricing is valid for 30 days from the date of this proposal:

Expected Timeline & Cost

Description	Date	Duration	Price*
In-Person Community Facilitation in Columbia Falls	TBD	2–3 hours + travel	\$2,000
Travel Expenses for In-Person Workshop	TBD		\$275 hotel + \$250 (358 miles RT Elliston to CF)
Virtual Meeting #1	TBD	1 hour	\$250
Virtual Meeting #2	TBD	1 hour	\$250
Review of Tentative Report & Written Recommendations	Upon submission	1–2 weeks turnaround	\$250
Educational Materials & Language Support	TBD	Up to 3 hours	\$125/hour
Estimated Package Cost			\$3,650

*Expected estimated cost

CONCLUSION

The MSU Local Government Center appreciates the opportunity to partner with the City of Columbia Falls Study Commission. For any questions regarding this proposal, please contact Ashley Kent, LGC Associate Director, at ashleykent@montana.edu or 406.994.6694.