



**Special City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
March 23, 2020  
1:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PETITIONS AND COMMUNICATIONS**

*(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)*

**CITY MANAGER**

1. City Manager Update and Report on COVID-19 Response.

**ORDINANCES / RESOLUTIONS**

2. **Resolution 10341**, Affirming a Local Emergency and Acknowledging and Defining the City Manager's Power to Declare an Emergency and The City Manager's Exercise of that Authority. *Action: Adopt or deny Res. 10341. (Jointly Presented by Sara Sexe)*

**Ordinance 3217**, Granting temporary authority to Approve Contracts and Expenditures in Furtherance of the Municipal Emergency Proclamation and Order and Suspending State and Local Procurement Requirements. *Action: Adopt or deny Ordinance 3217. (Jointly Presented by Sara Sexe)*

**CITY COMMISSION**

3. Emergent Commission Initiatives.

**ADJOURNMENT**

*Wi-Fi is available during the meetings for viewing of the online meeting documents.*

*Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. This Special City Commission meeting will be re-aired on cable channel 190 Tuesday evening at 5:30 pm.*



**Item:** Resolution 10341, “A Resolution of the City Commission of the City of Great Falls, Montana Affirming a Local Emergency and Acknowledging and Defining the City Manager’s Power to Declare an Emergency and The City Manager’s Exercise of that Authority”; and  
  
Ordinance 3217, “An Ordinance of the City Commission of the City of Great Falls, Montana, Granting temporary authority to Approve Contracts and Expenditures in Furtherance of the Municipal Emergency Proclamation and Order and Suspending State and Local Procurement Requirements.”

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Adopt Resolution 10341 and Ordinance 3217.

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**Suggested Motion:**

1. Commissioner moves:  
  
“I move that the City Commission (adopt/deny) Resolution 10341”; and  
  
“I move that the City Commission (adopt/deny) Ordinance 3217.”
  2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.
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**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 10341 and Ordinance 3217.

**Background:**

The spread of the COVID-19 virus around the world has created a widespread public health emergency not only globally, but locally. As of March 20, 2020, 12 cases of COVID-19 have been confirmed in the state of Montana, many more cases are expected.

On March 12, 2020, Governor Bullock declared a State of Emergency pursuant to Mont. Code Ann. § 10-3-302. On March 13, 2020, President Trump Declared a National Emergency. On March 19, 2020 the Cascade City/County Health Department ordered closure of certain establishments to protect public

health and at the same meeting, City Manager Doyon signed an Emergency Proclamation for the City of Great Falls. All were made in response to the COVID-19 virus outbreak.

The City's declaration was made after consultation and conversations with Governor Bullock, Cascade City/County Health Department, Mayor Kelly, City Commissioners, and internal City staff. The City Manager exercised his authority as the principal executive officer of the City to declare, by Proclamation and Order, a state of emergency for the City pursuant to Mont. Code Ann § 10-3-402 on March 19, 2020. The City Manager, as the principal executive officer, has the authority to make such a declaration when a state of emergency exists. This declaration was made to allow the City Manager to take necessary steps to help stop the spread of COVID-19, if and when it is diagnosed in the City.

After such declaration is made, the City Manager is given a number of expanded authorities. One authority is to restrict ingress to and egress from all or part of the municipality. Mont. Code Ann. § 10-3-406. The City Manager is also authorized to order the evacuation of all or part of the City population. *Id.* Additionally, this statutory provision allows the City Manager to establish curfews for all or part of the population, as well as limiting governmental services provided to the public.

The City Manager also has the authority to request assistance and cooperation from other intergovernmental agencies. Mont. Code Ann. Title 10, Chapter 3, Part 2. This would require notification by all the local governmental entities to the State Emergency Services Division. The City Manager will have the authority to accept funds via grants or gifts for assisting with the emergency management from other governmental agencies. Mont. Code Ann. § 10-3-203.

The Resolution and Ordinance under consideration, if adopted, would acknowledge the City Manager's current authorities listed above and would ratify the City Manager's declaration and Order. Additionally, by adopting Resolution 10341, in the event the City Commission could not convene and timely or necessarily act, the City Commission would delegate the following powers to the City Manager to exercise during the emergency, using all available information from Federal/State/Local authorities:

- a. To administer all City affairs and departments, as set forth in the *Charter of the City of Great Falls*;
- b. To approve all claims and other financial responsibilities, and to execute all contracts, which arise in the course of City operations, consistent with applicable law, and following such approval, present them to the City Commission for ratification as soon as is practical;
- c. To waive enforcement of City ordinances and resolutions as necessary to effectively address the emergency;
- d. To impose any reasonable restrictions on travel, parking, or congregating as necessary to address the emergency and in accordance with MCA §10-3-406;
- e. To cancel meetings of City advisory boards that perform valuable advisory functions but are not legally required to act before final City action; and
- f. To perform any acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases within the City, under MCA §7-34-4101.

Ordinance 3217, if adopted, provides the following authorities and restrictions:

1. The authority from the Great Falls City Commission to take all steps necessary to implement the Proclamation and Order and Resolution No. 10341;

2. The authority to enter into agreements and contracts, and make purchases and expenditures without adhering to state and local procurement requirements including those in Title 7 and 18 on the Montana Code Annotated, and to the City's purchasing policy. This authorization is limited only to agreements, contracts, purchases, and other expenditures reasonably necessary to implement the Order and Resolution No. 10341 and to no other agreements, contracts, purchases or expenditures;
3. For agreements, contracts, purchases and expenditures made in fulfillment of the Order and/or Resolution No. 10341 the City Manager must comply, if practicable, with federal, state and local procurement requirements;
4. For all such actions taken under the Ordinance, the City Manager must make available to the public a list of agreements, purchases, and expenditures wherein state and local procurement requirements were not adhered to; and
5. The Ordinance shall expire after ninety (90) days or upon revocation by the City Manager of the Municipal Emergency Proclamation and Order for the COVID-19 Pandemic, or upon the declaration of a local disaster pursuant to Mont. Code Ann. § 10-3-403, whichever is earlier. The City Commission may extend the Ordinance upon the affirmative four-fifths vote.

Ordinance 3217 is being presented as an emergency ordinance therefore allowing the Commission to adopt it on first reading pursuant to Mont. Code Ann. § 7-3-4324. Because it is being presented as an emergency ordinance, it will require an affirmative vote by at least four Commissioners for adoption.

The public is strongly encouraged to provide public comment regarding the Resolution and Ordinance under consideration using alternative means as much as possible, including emailed comment sent to [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). This form of comment and participation is encouraged to help prevent additional potential public exposure to COVID-19. Additionally, members of the public attending the March 23, 2019~~20~~ City Commission meeting must also abide by social distancing restrictions recommended by the Centers for Disease Control and the Cascade County City-County Health Department.

**Fiscal Impact:**

Given the nature of the current state of emergency, the fiscal impact of adopting Resolution 10341 and Ordinance 3217 are unknown at this time.

**Alternatives:**

The City Commission could deny Resolution 10341 and/or Ordinance 3217.

**Concurrences:**

All City departments concur with the actions requested.

**Attachments/Exhibits:**

Resolution 10341  
Ordinance 3217

**RESOLUTION NO. 10341**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA AFFIRMING A LOCAL EMERGENCY AND ACKNOWLEDGING AND DEFINING THE CITY MANAGER’S POWER TO DECLARE AN EMERGENCY AND THE CITY MANAGER’S EXERCISE OF THAT AUTHORITY.**

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**WHEREAS**, a pandemic of the Coronavirus Disease (“COVID-19”) has occurred across the United States and over the globe; and

**WHEREAS**, the World Health Organization has declared COVID-19 a global pandemic that is controllable via precautionary measures to stop the spread of the disease; and

**WHEREAS**, the President of the United States declared the COVID-19 disease a pandemic of sufficient severity and magnitude to warrant an emergency declaration, on March 13, 2020; and

**WHEREAS**, the Governor of the State of Montana declared a State of Emergency on March 12, 2020; and

**WHEREAS**, the City faces an imminent threat to life and public health resulting from COVID-19; and

**WHEREAS**, MCA §10-3-402 provides for the principal executive officer of a political subdivision to declare a local emergency and the City Manager is the principal executive officer for the City of Great Falls; and

**WHEREAS**, given the rapidly changing situation related to the pandemic, the City Manager has declared an emergency in the City of Great Falls; and

**WHEREAS**, MCA §7-34-4101, permits the City Commission to “do all other acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases” within the City; and

**WHEREAS**, the City will commit available resources, and will take action to combat and to alleviate the situation, to undertake preventative precautions to slow the spread of COVID-19 and to protect vulnerable public members, however local resources may not be adequate to address and respond to the situation; and

**WHEREAS**, given the rapidly changing situation and the possibility that the emergency may create an inability to convene a quorum of the City Commission, either completely or in a timely manner, the City Commission desires to implement emergency processes to allow for the continuation of essential and necessary governmental services; and

**WHEREAS**, by passing this Resolution, the City Commission does not relinquish its governmental authority, but intends to allow the City Manager to maintain and continue governmental services in the event that the Commission is unable to timely and necessarily act, given the rapidly changing situation related to the pandemic. As much as is reasonably possible, the City Commission and the City Manager will work together to timely address issues resulting from the pandemic.

**NOW, THEREFORE, The City Commission resolves and acknowledges:**

**Section 1.** The authority of the City Manager to declare an emergency based on MCA §10-3-402;

**Section 2.** The City Manager’s Emergency Proclamation and Order, dated March 19, 2020, is hereby affirmed.

**Section 3.** In addition to the authority granted to the City Manager by MCA §10-3-406 and §7-34-4101, and in the event that the City Commission cannot timely or necessarily act, the City Manager, using all available information from Federal/State/Local authorities, possesses or shall possess and exercise the following powers:

- a. To administer all City affairs and departments, as set forth in the *Charter of the City of Great Falls*;
- b. To approve all claims and other financial responsibilities, and to execute all contracts, which arise in the course of City operations, consistent with applicable law, and following such approval, present them to the City Commission for ratification as soon as is practical;
- c. To waive enforcement of City ordinances and resolutions as necessary to effectively address the emergency;
- d. To impose any reasonable restrictions on travel, parking, or congregating as necessary to address the emergency and in accordance with MCA §10-3-406;
- e. To cancel meetings of City advisory boards that perform valuable advisory functions but are not legally required to act before final City action; and
- f. To perform any acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases within the City, under MCA §7-34-4101.

**PASSED AND ADOPTED**, by the City Commission of the City of Great Falls,

Montana, this \_\_\_\_\_ day of March, 2020.

\_\_\_\_\_  
**Bob Kelly, Mayor**

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**Tracy Houck, City Commissioner**

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**Mary Sheehy Moe, City Commissioner**

\_\_\_\_\_  
**Owen Robinson, City Commissioner**

\_\_\_\_\_  
**Rick Tryon, City Commissioner**

ATTEST:

APPROVED TO AS FORM:

\_\_\_\_\_  
**LISA KUNZ**  
 City Clerk

\_\_\_\_\_  
**SARA R. SEXE**  
 City Attorney

**ORDINANCE NO. 3217**

**AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, GRANTING TEMPORARY AUTHORITY TO THE CITY MANAGER TO APPROVE CONTRACTS AND EXPENDITURES IN FURTHERANCE OF THE MUNICIPAL EMERGENCY PROCLAMATION AND ORDER AND SUSPENDING STATE AND LOCAL PROCUREMENT REQUIREMENTS.**

**WHEREAS**, the City of Great Falls (the “City”) is authorized by the City Charter and Montana law to establish programs and laws to protect public health, safety, and welfare of the citizens of Great Falls; and

**WHEREAS**, pursuant to Section 8.11.2 of Resolution 10322, by an affirmative vote of four-fifths of the City Commission, the City Commission may adopt an emergency ordinance and waive second reading; and

**WHEREAS**, pursuant to Mont. Code Ann. § 7-5-104 and § 7-5-4303, the City Commission is authorized to adopt emergency ordinances in the event of an emergency and to enter into contracts without complying with the bidding and advertising requirements of state law; and

**WHEREAS**, pursuant to its Charter, the Montana Constitution, and state law, the City may exercise any power not prohibited by the constitution, law or charter and neither the Montana Constitution, state law, or the City Charter prohibits the City Commission from adopting this Ordinance; and

**WHEREAS**, on March 19, 2020, the City Manager issued a Municipal Emergency Proclamation and Order for the COVID-19 (Coronavirus) Pandemic (the “Order”), declaring the City of Great Falls in a state of emergency; and

**WHEREAS**, on March 23, 2020, the City Commission adopted Resolution No. 10341, affirming a local disaster emergency and acknowledging and defining the City Manager’s power to declare an emergency and authorizes the City Manager’s exercise of that authority; and



**WHEREAS**, the Great Falls City Commission recognizes the emergency nature of the COVID-19 Pandemic incorporating the findings of the Order and Resolution 10341 and the necessity for the City to ensure the health, safety, and general welfare of the citizens of Great Falls and the City's employees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

**Section 1.**

1. The City Manager is granted authority from the Great Falls City Commission to take all steps necessary to implement the Proclamation and Order and Resolution No. 10341;

2. The City Manager is authorized to enter into agreements and contracts, and make purchases and expenditures without adhering to state and local procurement requirements including those in Title 7 and 18 on the Montana Code Annotated, and to the City's purchasing policy. This authorization is limited only to agreements, contracts, purchases, and other expenditures reasonably necessary to implement the Order and Resolution No. 10341 and to no other agreements, contracts, purchases or expenditures;

3. For agreements, contracts, purchases and expenditures made in fulfillment of the Order and/or Resolution No. 10341 the City Manager must comply, if practicable, with federal, state and local procurement requirements;

4. For all such actions taken under this Ordinance, the City Manager must make available to the public a list of agreements, purchases, and expenditures wherein state and local procurement requirements were not adhered to; and

5. This Ordinance shall expire after ninety (90) days or upon revocation by the City Manager of the Municipal Emergency Proclamation and Order for the COVID-19 Pandemic, or upon the declaration of a local disaster pursuant to Mont. Code Ann. § 10-3-403, whichever is earlier. The City Commission may extend this Ordinance upon the affirmative four-fifths vote.

**Section 2.**

Repealed. All provisions of the ordinances of the City of Great Falls in conflict with the provisions of this ordinance are, and the same are hereby temporarily repealed and/or suspended during the life of this ordinance, and all other provisions of the ordinances of the City of Great Falls not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 3.**

Savings Provision. This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this

ordinance. All other provisions of the Official Code of the City of Great Falls (OCCGF) not amended by this Ordinance remain in full force and effect.

**Section 4.**

Severability. That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the OCCGF as a whole.

**Section 5.**

Effective Date. This Ordinance shall be in full force and effect immediately. This Ordinance shall expire after ninety (90) days or upon revocation of the Municipal Emergency Proclamation and Order and Resolution No. 10341 for the COVID-19 Pandemic, or a local disaster is declared pursuant to Mont. Code Ann. § 10-3-403, whichever is earlier, unless extended by vote of the City Commission.

ADOPTED on emergency first reading, pursuant Mont. Code Ann. § 7-3-4324, by a four-fifths vote of the City Commission of the City of Great Falls, Montana, at a special meeting held on March 23, 2020.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

State of Montana    )  
County of Cascade  : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3217 in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Courthouse;
- On the Bulletin Board, Great Falls Public Library

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Lisa Kunz, City Clerk

(CITY SEAL)