

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020**

Special City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 1:00 PM

Commission Chambers Room 206

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom: Bob Kelly, Tracy Houck, Owen Robinson, Rick Tryon, and Mary Sheehy Moe. Also present were the City Attorney Sara Sexe; City Manager Greg Doyon; City Clerk Lisa Kunz; and, Deputy City Clerk Darcy Dea.

AGENDA APPROVAL: Mayor Kelly noted that the date on page three of the Agenda Report should be April 7, 2020 instead of March 23, 2020.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There was no written communication received via email to the Commission.

Jonathan Martin, 2212 2nd Avenue South, discussed a treatment option for COVID-19 provided by a study from an infectious disease physician.

Mayor Kelly suggested that Mr. Martin notify the Cascade City-County Health Department (CCHD).

City Manager Greg Doyon reported that the Great Falls Fire Rescue (GFFR) is aware of the study.

1.

CITY MANAGER

CITY MANAGE UPDATE AND REPORT ON COVID-19 RESPONSE.

City Manager Greg Doyon reported on the following:

- He thanked the IT Department and Deputy City Manager Chuck Anderson for their efforts with regard to setting up Zoom Conferencing.
- The City's Emergency Operations Center (EOC) will more than likely be opened in the near future as more COVID-19 cases develop. Cascade County has partially opened its EOC.
- The City's website provides information with regard to City Departments that have closed in order to limit the amount of impact of COVID-19. He is working with staff to have City employees work remotely. If there is a disruption in public service, he will notify the Commission as well as send out a press release.

JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020

- He is working on a modified agenda process that will be pushing off non-essential items and will be preparing a running list of projects that were in the works; however, they will need to be deferred.
- Commission priorities with regard to the budget may need to be shifted in order to get through the COVID-19 crisis.
- The United Way is the lead agency to help coordinate resources for citizens who wish to help the community and its website is volunteergreatfalls.org.
- The Voices of Hope Social Services organization will assist appropriate agencies who are in need of non-medical supplies for residents by dialing 211.
- The Great Falls Public Schools has a website with important information, and is in need of assistance with donations for its food pantries.
- He requested that residents discontinue bringing food to City Departments due to the risk of exposing staff to COVID-19.

Commissioner Moe received clarification that the Commission will receive a list of deferred items with regard to the budget and that the priority is to get through the COVID-19 emergency.

Mayor Kelly received clarification that requests for additional medical supplies and services has been made to the State Emergency Service.

ORDINANCES/RESOLUTIONS

2. **RESOLUTION 10341, AFFIRMING A LOCAL EMERGENCY AND ACKNOWLEDGING AND DEFINING THE CITY MANAGER'S POWER TO DELCARE AN EMERGENCY AND THE CITY MANAGER'S EXERCISE OF THAT AUTHORITY.**

City Attorney Sara Sexe reported that 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

JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020

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

JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020

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 Commission members for adoption.

The public is strongly encouraged to provide public comment using alternative means as much as possible, including emailed comment sent to 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 City Commission meeting must also abide by social distancing restrictions recommended by the Centers for Disease Control and the Cascade City-County Health Department.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10341.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

No written communication was received in support of or in opposition to Resolution 10341.

Commissioner Tryon received clarification that the City has never had to declare a state of emergency and that other cities are taking these kinds of steps to allow for the effective continuation of government during these difficult times.

City Attorney Sexe reported that she is in communication with counsel from the Montana League of Cities and Towns (MLCT). She explained that the language in Resolution 10341 and Ordinance 3217 are formatted specifically to Great Falls; however, they are patterned on actions taken by other cities in the state.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020**

City Manager Doyon added that he will be in communication with other City Managers to discuss actions taken in their cities.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

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.

Referring to the effective date of Ordinance 3217, Commissioner Moe inquired if a disaster is worse than an emergency.

City Attorney Sexe responded that the disaster declaration is a higher level that would come into effect upon the happening of the events that would require it.

Commissioner Moe moved, seconded by Commissioners Robinson and Tryon, that the City Commission adopt Ordinance 3217.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

No written communication was received in support of or in opposition to Ordinance 3217.

Mayor Kelly expressed support with regard to the effective date of Ordinance 3217 stating that the Ordinance shall expire after 90 days or upon revocation of the City Manager. Mayor Kelly encouraged public comment, adding that public access to the transparency of the meeting process is the Commission's priority while working through technology issues combined with public safety.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

3. EMERGENT COMMISSION INITIATIVES.

Commissioner Robinson reported that the Complete Count Committee (CCC) is no longer able to meet due to COVID-19 and those who were hired have been laid off. He noted that CCC members will continue to assist the Census Bureau in any way possible. A flyer contained in the April utility bills will continue to go out to customers about the census. Commissioner Robinson encouraged everyone to complete and return the Census 2020 forms promptly.

JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020

Commissioner Moe added that citizens will not be able to utilize the Library as an on-line resource to complete the census since the Library was closed due to COVID-19.

Commissioner Tryon requested that either City Manager Doyon or Mayor Kelly reach out promptly to Governor Bullock and the CCHD to receive clarification as to what conditions must exist to either end or extend the state and county orders closing and restricting businesses. He further requested that a resolution suspending City water and sanitation fees for those businesses and their employees directly impacted for the duration of the orders to close or restrict businesses be presented at the April 7, 2020, Commission meeting.

Commissioner Houck reported that the Great Falls Job Service Workforce Center is currently closed and its website is currently down; however, citizens filing for unemployment can do so by calling the Job Service Center.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Robinson, to adjourn the special meeting of March 23, 2020, at 1:40 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: April 7, 2020