



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Res. 10044, A Resolution Repealing Resolutions Relating to the Administration and Operation of Electric City Power, Inc.

From: City Commission

Initiated By: City Commission

Presented By: Greg Doyon, City Manager

Action Requested: Adopt Res. 10044

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt /deny) Resolution 10044.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Staff Recommendation: Staff recommends that the City Commission adopt Res. 10044.

Background: Res. 10044 repeals previously adopted Resolutions 9529 (ECPI Articles of Incorporation) and Resolution 9877 (ECPI Amended Bylaws). The repeal of Ordinance 2925 and Resolutions 9529 and 9877 eliminate the ability of ECPI to operate in any manner and effectively render other ECPI related, previously adopted resolutions moot.

On May 1, 2013, the City of Great Falls/Electric City Power and Southern Montana G&T reached a settlement that will permanently sever the City’s relationship with Southern Montana G&T. The settlement agreement included an owed water credit in the amount of \$1,186,061.83 plus a mediated settlement amount of \$2,063,938.17, totaling \$3.25 million dollars to be paid in two installments.

On October 24, 2013, the City Commission awarded natural gas and electric supply contracts to Energy West Resources and PPL EnergyPlus, LLC, respectively. On November 1, 2013, two significant events occurred: 1) the City transitioned its electrical service from Southern to PPL 2) all customer contracts with ECPI were terminated. ECPI does not have any customers and the City Commission does not desire to continue operating ECPI as an electric provider.

At its December 3, 2013, meeting the City Commission approved the dissolution of ECPI, the Articles of Dissolution and authorized the City Manager to take all action to wind up and liquidate the affairs of ECPI. If approved in Agenda Item 15 considered previously at this meeting, Ordinance 2925 that established Title 5, Chapter 20, OCCGF and that authorized the creation of ECPI to operate an electric utility has been repealed by Ord. 3115.

Res. 10044 repeals Resolutions 9529 and 9877 relating to the administration and operation of Electric City Power Inc.

Attachments/Exhibits: Res. 10044

RESOLUTION NO. 10044

**A RESOLUTION REPEALING RESOLUTIONS RELATING
TO THE ADMINISTRATION AND OPERATION OF
ELECTRIC CITY POWER, INC.**

WHEREAS, on November 1, 2005, the City Commission adopted Resolution Nos. 9529 and 9530 approving the Articles of Incorporation and the By-Laws of ECPI. On April 20, 2010, the City Commission adopted Resolution 9877, Amended By-Laws of ECPI; and

WHEREAS, on November 1, 2013, the City transitioned its electrical service from Southern Montana Electric Generation and Transmission Cooperative, Inc. to PPL Energy Plus, LLC; and

WHEREAS, all customer contracts with Electric City Power, Inc. (ECPI) were terminated. The City Commission does not desire to continue operating ECPI as an electric provider; and

WHEREAS, on November 13, 2013, notice was provided to the Attorney General's Office pursuant to § 35-2-722, MCA, that ECPI intends to dissolve as a Montana entity and to wind up and liquidate its affairs; and

WHEREAS, on December 2, 2013, and December 3, 2013, the Board of Directors of ECPI and the City Commission, respectively, voted unanimously to dissolve ECPI and to take all action to wind up and liquidate the affairs of ECPI.

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

That Resolution Nos. 9529 and 9877 relating to the administration and operation of ECPI are hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on December 17, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney