

ORDINANCE 2861  
AN ORDINANCE AMENDING  
TITLE 5, OCCGF, TO INCLUDE CHAPTER 20  
AUTHORIZING THE CITY OF GREAT FALLS  
TO ESTABLISH AND OPERATE  
AN ELECTRIC UTILITY AND TO MARKET  
ELECTRIC POWER SERVICE TO CONSUMERS  
WITHIN THE CITY OF GREAT FALLS.

WHEREAS, the City of Great Falls did adopt a Charter on July 1, 1986 with plenary self-governing powers not prohibited by the Montana Constitution or Statute; and,

WHEREAS, Title 69, Chapter 7, MCA, authorizes a municipality to establish, operate and market electric utility services; and,

WHEREAS, the Montana Attorney General, has rendered an opinion that a local government with self-governing powers “has the authority to acquire and operate electric and natural gas utilities within and outside the boundaries of the local government unit”, 48 A.G. Op. 14 (2000); and,

WHEREAS, In July of 2003, Northwestern Energy (successor to Montana Power Company) reneged on a contract with the Montana League of Cities and Towns to provide electricity to the City of Great Falls at agreed upon rates thereby subjecting the City to much higher rates for electrical service; and,

WHEREAS, the future viability of Northwestern Energy as an electric utility is uncertain;

**WHEREAS, the City Commission of the City has determined that it is in the best interest of the City to assure its businesses and residents of a steady supply of electrical energy and service;**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA that Title 5, OCCGF, be amended to include Chapter 20, as follows:

5.20.010. Findings and Purposes. To the extent permitted by law, the City of Great Falls is enacting this ordinance; (1) to construct, operate or maintain an electric utility to be known as “Electric City Power”; and, (2) to market and provide electric services to customers within and/or outside the boundaries of the City of Great Falls.

5.20.020. Definitions. For the purposes of this ordinance, the following words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning.

a) A City Property shall mean all properties, facilities or objects currently or in the future owned or operated by the City of Great Falls.

b) Construction or Construct shall mean, without limitation, constructing, acquisition, laying, maintaining, testing, operating, extending, renewing, relocating, removing, replacing, repairing and using electric facilities.

c) Consumer shall mean any person, firm, partnership, corporation, cooperative, organization, governmental agency or other form of legal entity currently or potentially receiving electric services within and/or outside the boundaries of the City of Great Falls.

d) Electric Facilities shall mean fuel sources, generating equipment, poles, wires, lines, conduits, cables, communication and signal lines, electric lights, braces, guys, anchors, vaults and all necessary or convenient facilities and appurtenances thereto whether the same be located above or below ground, or within and/or outside the boundaries of the City of Great Falls.

e) Maintenance, Maintaining or Maintain shall mean, without limitation, relaying, repairing, replacing, relocating, examining, testing, inspecting, removing, digging and excavating, and restoring operations is an incidental thereto.

f) Services shall mean electric power in the form of generation services, transmission services or sale services or marketing services within and/or outside the boundaries of the City of Great Falls.

5.20.030. Establishment of Electric Utility. Pursuant to Title 69, Chapter 7, MCA and in the exercise of its self-governing powers pursuant to its Charter, the City of Great Falls does hereby establish an electric utility to construct, operate and maintain electric facilities in, along, across, under, or over City property; and, to market or otherwise provide electric services to consumers.

5.20.040. Rates. Consumers shall be charged for electrical services pursuant to rates, charges or classifications established or revised by resolution subsequent to notice and public hearing thereon as required by 69-7-101, et seq., M.C.A.

5.20.050. Rules of Operation. The City Commission shall adopt rules for operation of the electric utility which shall contain, at a minimum, those requirements of good practice which can be normally expected for the operation of an electrical utility as required by 69-7-201, M.C.A.

5.20.060. Availability of Rules and Schedule of Rates, Charges and Classifications. A schedule of rates, charges or classifications imposed upon the customers and a copy of the rules established for the operation of said utility shall be kept and maintained in the City Clerk's Office and the same shall be made available to public inspection at any time during regular office hours.

5.20.070. Repairs and Meter Readings. The City may shut off electricity at any time and without notice to maintain the city owned electric facilities. The City shall have access to all premises during day light hours for the purpose of inspection, maintenance and reading meters.

5.20.080. Unlawful Interference with Utility. It shall be unlawful for any person to interfere with, attach to or connect with any city owned electrical transmission line without permission from the City or to disturb or damage

any poles, machinery, tools or other electric facility or to damage any utility structures owned by the City.

5.20.090. One Connection; Exception. It shall be unlawful for any consumer to supply or permit to be supplied, electricity to two or more buildings through one connection except on special contract with the City.

5.20.100. Rules and Consumer Contract. Rules and regulations provided by this Ordinance shall constitute a part of the contract between the City and the consumer.

5.20.110. Finance. ~~When necessary to effect the purposes of this ordinance, general obligation and/or revenue bonds may be issued pursuant to Title 7, Chapter 7, Parts 41 through 46, M.C.A. to meet any or all financial obligations of the electric utility.~~ **The City Commission may issue bonds, payable from the revenues of the electric utility, to design, construct, acquire, install and improve, from time to time, electrical utilities in accordance with the provisions of Title 7, Chapter 7, Part 43 and 44 of Montana Code Annotated. If bonds are to be issued that are payable in part from the general fund or taxes levied by the City, such bonds may be issued only if approved by the electors of the City in accordance with Title 7, Chapter 7, Part 41, M.C.A.**

5.20.120. Penalty. It shall be a misdemeanor for any person who with intent to injure or defraud, shall:

- a) Break or deface the seal on any city meter; or
- b) Obstruct, alter, injure or prevent the action of any city meter or other instrument used to measure or register the quantity of electricity supplied to the consume by the city; or
- c) Make any connection to the city owned utility by means of any electrical line, or otherwise, within any electrical line used for delivery of electricity to a consumer, in such manner as to obtain electricity without its passage through a city meter or other instrument provided for registering the amount or quantity consumed; or
- d) Prevent by any means the reading or inspection of a meter or instrument by the City; or
- e) Violate any other provisions of this chapter.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on the 7<sup>th</sup> day of October, 2003.

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Randall H. Gray, Mayor

ATTEST:

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Carolyn M. Broquist, Deputy City Clerk

(SEAL OF CITY)

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Approved for Legal Content: City Attorney

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

I, Carolyn M. Broquist, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2861 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7th day of October, 2003, and approved by the Mayor of said City on the 7th day of October, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th day of October, 2003.

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Carolyn M. Broquist, Deputy City Clerk

(SEAL OF CITY)

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

Carolyn M. Broquist, being fist duly sworn, deposes and says: That on the 7th day of October, 2003, and prior thereto, she was the Deputy City Clerk of the City of Great Falls, Montana; that as said Deputy City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2861 of the City of Great Falls, 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 Court House  
On the Bulletin Board, Great Falls Public Library

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Carolyn M. Broquist, Deputy City Clerk

(SEAL OF CITY)