

**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.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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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)