

**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.

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**Bob Kelly, Mayor**

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**Tracy Houck, City Commissioner**

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**Mary Sheehy Moe, City Commissioner**

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**Owen Robinson, City Commissioner**

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**Rick Tryon, City Commissioner**

ATTEST:

APPROVED TO AS FORM:

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**LISA KUNZ**  
 City Clerk

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**SARA R. SEXE**  
 City Attorney