

**ORDINANCE 3220**

**AN ORDINANCE REPEALING AND REPLACING TITLE 3 OF  
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS  
(OCCGF) PERTAINING TO REVENUE AND FINANCE**

\* \* \* \* \*

**WHEREAS**, in order to improve on process consistency, efficiency, and predictability for City staff and outside vendors and contractors, City staff endeavored to update City Financial Policies which had been in effect since December, 2004; and

**WHEREAS**, the City’s purchasing is decentralized, meaning that each Department completes their own purchases, the City desires to update and change its policies to be more efficient for staff in all departments to maintain this decentralized process, while maintaining internal controls; and

**WHEREAS**, Staff formed a City Purchasing Policy Committee which included the Deputy City Manager, representatives from the Finance, Legal, City Clerk’s Office, Park & Recreation, Police, Fire, Human Resources, Planning and Community Development, and Public Works Departments, to align the Policies with current law and City practice; and

**WHEREAS**, the Committee also considered and vetted various process improvements since the last update to the purchasing policies; and

**WHEREAS**, the City financial software changed on July 1, 2020 and Staff had intended to present policy updates before the July 1 software implementation in order to create a smooth transition, but scheduling was delayed because of the COVID-19 pandemic; and

**WHEREAS**, the Title 3 requires revision, in order to correspond with the Purchasing Policy update.

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

Section 1. OCCGF Title 3 is hereby repealed and replaced as depicted by Exhibit “A” attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. The changes to Title 3 are retroactive to July 1, 2020; and

Section 3. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 4, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 18, 2020.

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Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

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Lisa Kunz, City Clerk

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 3220 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)

Title 3 REVENUE AND FINANCE

**Title 3 REVENUE AND FINANCE**

**Chapter**

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**Chapter 1 RESERVED**

Chapter 2 - ~~BIDDING PREFERENCE FOR COMMUNITY INVESTMENT~~ **REPEALED AND RESERVED**

**Chapter 3 RESERVED**

Chapter 4 - REAL AND PERSONAL PROPERTY SALE, TRADE OR LEASE

**Chapter 5 RESERVED**

Chapter 6 - SALE OF UNCLAIMED PERSONAL PROPERTY

**Chapter 7 RESERVED**

Chapter 8 - PURCHASING

**Chapter 9 RESERVED**

Chapter 10 - CONTRACTS

**Chapter 11 RESERVED**

Chapter 12 - SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

**Chapter 1 RESERVED**

**Chapter 2 REPEALED and RESERVED ~~BIDDING PREFERENCE FOR COMMUNITY INVESTMENT~~**

**Sections:**

~~3.2.010 Purpose.~~

~~3.2.020 Preference.~~

~~3.2.010 Purpose.~~

~~To promote investment and employment in the local community, it is hereby deemed to be in the public interest to allow a preference in awarding public contracts to certain contractors who invest in employment producing businesses or institutions in Great Falls. Such a preference may be allowed at the discretion of the City Commission when the contract and investment opportunities are conducive to the application.~~

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**3.2.020 Preference.**

- A. ~~A public contract may be awarded to the lowest responsible bidder and, when qualifying, bids shall be compared after reducing the amount bid by a credit which shall not exceed five (5) percent of the original bid amount. A bid qualifies for the credit as follows:~~
1. ~~The City shall allow a credit, in a ratio to be determined by the City Commission, for an amount committed by the bidder to an employment producing business or institution in the City.~~
  2. ~~Such an investment commitment shall be expressly included in the contract and must be demonstrably employment producing in a new or expanding business or institution.~~
  3. ~~The City Commission must approve the proposed investment to ensure compliance with the public purpose.~~
- B. ~~If the investment is not made within the contract period, the bidder will make payment in the full amount of the investment commitment to the Economic Development Revolving Fund at the expiration of said contract. Such amount may be withheld from final payments due under the contract.~~

**Chapter 3 RESERVED**

**Chapter 4 REAL AND PERSONAL PROPERTY SALE, TRADE OR LEASE**

**Sections:**

- 3.04.010 Sale, trade or lease.
- 3.04.020 Park Board.
- 3.04.030 Public hearing.
- 3.04.040 Appraisal.
- 3.04.050 Bidding.
- 3.04.060 Development proposal.
- 3.04.070 Sell, trade or lease—personal property.
- 3.04.080 Sale, trade, grant, donate or lease to governmental entities.

**3.04.010 Sale, trade or lease.**

The City may sell, trade or lease for any period of time any real property whether or not the same be held in trust for a specific purpose without a vote of the electors and when passed by a four-fifths ( 4/5 ) vote of all the members of the City Commission.

**3.04.020 Park Board.**

~~In the case of~~ **If property is held in trust for park purposes, and before the sale, trade or lease of the same, the Park Board shall review the any proposal for sale, trade or lease of the property, and make a recommendation to the City Commission.**

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**3.04.030 Public hearing.**

Before final consideration by the City Commission of the sale, trade or lease of City property, the City Commission shall hold a public hearing thereon and allow at least fifteen (15) days' notice of the time and place of such hearing to be published in a paper of general circulation in the City.

**3.04.040 Appraisal.**

- A. The City shall obtain an appraisal of the subject property for sale or trade to determine a minimum price except and unless the cost of appraisal is estimated to exceed seven (7) percent of the value of the subject property whereupon the City shall establish a minimal price by comparable sales or leases in the area. Estimated land values shall be determined by other comparable sales or leases in the area. If a minimum price or value is established by appraisal, no bid or trade shall be accepted which does not meet or exceed the appraised value.
- B. Regardless of the limitations imposed by subsection A of this section, the City Commission may require an appraisal to establish a minimum price on any or all property whenever it is deemed in the best interest of the City.

**3.04.050 Bidding.**

- A. The sale, trade, or lease of ~~said~~ real property must be made to the highest responsible bidder except:
  - 1. Where there is no actual potential for more than one (1) party interested in making a bid;
  - 2. For a lease of recreational facilities related to special events; ~~or~~
  - 3. Where the City trades or exchanges for property of a like kind with equal or greater value; **or**
  - 4. Where the use is to continue for a public purpose and the same is subject to a reversion to the City should the use ever be changed to any other purpose.
- B. Advertisement for bids/proposals shall be made once in a paper of general circulation in the City with the publication to be not less than five (5) nor more than twelve (12) days before ~~consideration of bids~~ the bid/proposal due date.

**3.04.060 Development proposal.**

The City may require a development proposal for the sale, transfer or lease of property which may include but not be limited to designation of a specific use or other conditions established by the City Commission.

**3.04.070 Sell, trade or lease—personal property.**

The City may sell, trade or lease any personal property by negotiation without advertising for bids, for any period of time, unless the value thereof, either singularly or in the aggregate, exceeds ~~ten~~ **twenty five** thousand dollars (\$~~10~~-**25**,000.00) whereupon such sale, trade or lease must be made to the highest bidder.

- A. An appraisal may be required to determine value or establish a minimum price for such property;
- B. Advertisement for bids/proposals shall be made once in a paper of general circulation in the City with publication to be not less than five (5) not more than twelve (12) days before ~~consideration of bids~~ the bid/proposal due date; or the City may place the item on an internet auction site with an established minimum price.

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- C. Where any single item of personal property ~~exceeds~~ **does not exceed** a reasonably estimated value of ~~one~~ **twenty five** thousand dollars (\$~~1~~ **25**,000.00), the same ~~must~~ **may** be declared surplus property by the ~~City Commission~~ **Department Head** prior to sale;
- D. This section is intended to supersede 7-5-4307 MCA and any other relevant statute.

**3.04.080 Sale, trade, grant, donate or lease to governmental entities.**

The City may sell, trade, grant, donate, or lease for any period of time any real or personal property to a governmental entity by negotiation without an appraisal or advertising for bids. If, by grant or donation, the real or personal property ~~must be~~ **is** retained for a direct or perpetual public benefit or use. Requirements, as specified in Sections 3.04.010, 3.04.020, and 3.04.030 herein, remain applicable to this section.

**Chapter 5 RESERVED.**

**Chapter 6 SALE OF UNCLAIMED PERSONAL PROPERTY**

**Sections:**

3.6.010 City to sell or dispose.

3.6.020 Notice of sale or disposal.

**3.6.010 City to sell or dispose.**

- A. All unclaimed, non-evidentiary personal property of a value more than twenty dollars (\$20.00), in the possession of the Great Falls Police Department (GFPD) for a period of at least three (3) months, may be sold by the City at public auction for cash to the highest bidder or disposed of in any appropriate manner not in conflict with any federal, state, or local laws or regulations.
- B. The GFPD shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of ~~January, April, July, and October~~ of each calendar ~~year~~ **month** on the Great Falls City website.
- C. A properly documented finder of unclaimed property that has been held in GFPD custody may take lawful possession of the property, in a manner not in conflict with any federal, state, or local laws and regulations, if the property remains unclaimed for a period of at least three (3) months.
- D. Upon proof of legal ownership, the GFPD shall restore the unclaimed property to its legal owner.

**3.6.020 Notice of sale or disposal.**

- A. If the subject property is to be sold at public auction or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations, or returned to a properly documented finder, notice of the time and place of the public auction or disposal shall be published not less than ten (10) calendar days prior to the date of the public auction or disposal.
- B. Notice pursuant to this section shall be published in a newspaper of general circulation in the incorporated City limits, on the Great Falls Civic Center posting board, and on the Great Falls City website.

**Chapter 7 RESERVED**

Title 3 REVENUE AND FINANCE

**Chapter 8 PURCHASING**

**Sections:**

- 3.8.010 ~~Definitions~~ **Purchasing policies.**
- 3.8.020 ~~Methods of source selection.~~ **RESERVED.**
- 3.8.030 Competitive sealed bidding.
- 3.8.040 Competitive sealed proposals.
- 3.8.050 Small purchases.
- 3.8.060 Sole source procurement — records.
- 3.8.070 Cancellation of invitations for bids or requests for proposals.
- 3.8.080 Non-responsibility of bidders and offerors — nondisclosure.
- 3.8.090 Types of contracts.
- 3.8.100 Approval of accounting system.
- 3.8.110 Bid and contract performance security.
- 3.8.120 Contracts - terms, extensions, and time limits.
- 3.8.130 Reporting of anti-competitive practices.
- 3.8.140 Insurance requirements and limits.

**3.8.010 Definitions Purchasing policies.**

**To supplement the requirements in this Chapter and to ensure that fair, competitive and open purchasing decisions are made in the City's best interests, the City Manager may adopt purchasing policies for use by City Departments.**

~~As used in this part, the following definitions apply:~~

~~"Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter and a fee, if any.~~

~~"Established catalog price" means the price included in a catalog price list, schedule, or other form that:~~

- ~~A. — Is regularly maintained by a manufacturer or contractor;~~
- ~~B. — Is either published or otherwise available for inspection by customers; and~~
- ~~C. — States prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.~~

~~"Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.~~

~~"Purchase description" means the words used in a solicitation to describe the supplies or services to be purchased and includes specifications attached to or made a part of the solicitation.~~

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"Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

"Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance.

"Term contract" means a contract in which supplies or services are purchased at a predetermined unit price for a specific period of time.

#### **3.8.020 ~~Methods of source selection.~~ RESERVED.**

- A. ~~Unless otherwise authorized by law, all City contracts for supplies and services must be awarded by competitive sealed bidding, pursuant to 3.08.030, except as provided in 3.08.040 through 3.08.060. Supplies or services offered for sale, lease, or rental by public utilities are exempt from this requirement if the prices of the supplies or services are regulated by the Public Service Commission or other governmental authority.~~
- B. ~~At the time the City or a department opens bids or proposals, if a supplier's current publicly advertised or established catalog price is received at or before the time the bids or proposals are opened and is less than the bid of the lowest responsible and responsive bidder or offeror or improves upon the conditions for the best proposal received using the same factors and weights included in the proposal, the department or purchasing agency may reject all bids and purchase the supply from that supplier without meeting the requirements of 3.08.030 through 3.08.060.~~
- C. ~~An office supply procured through bulk purchase or procured under a term contract may be purchased, without meeting the requirements of 3.08.030 through 3.08.060, from a supplier whose publicly advertised or established catalog price is less than the price offered by or under the term contract. A City office supply term contract must include a provision by which the contracting parties acknowledge and agree to the provisions of this subsection.~~

#### **3.8.030 Competitive sealed bidding.**

- A. An invitation for bids must be issued and must include a purchase description and conditions applicable to the procurement.
- B. Adequate public notice of the invitation for bids must be given a reasonable time prior to the date set forth therein for the opening of bids, in the same manner as provided in 7-5-4302 MCA. ~~Notice may include publication in a newspaper of general circulation at a reasonable time prior to bid opening.~~
- C. Bids must be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. Each bidder has the right to be present, either in person or by agent, when the bids are opened and has the right to examine and inspect all bids. The amount of each bid and such other relevant information as may be specified by rule, together with the name of each bidder, must be recorded. The record must be open to public inspection after the ~~time of award at the City Clerk's Office~~ bid opening.
- D. Bids must be unconditionally accepted without alteration or correction, except as authorized in this eChapter. Bids must be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award must be objectively measurable, such as discounts, transportation costs, and total or life-cycle costs.
- E. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition may be permitted.



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- F. The contract must be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. If all bids exceed available appropriated funds and the low responsive and responsible bid does not exceed such funds by more than five (5) percent, the director is authorized in situations where time or economic considerations preclude re-solicitation of a reduced scope to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available appropriated funds.

#### 3.8.040 Competitive sealed proposals.

- A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
- B. Proposals must be solicited through a request for proposals.
- C. Adequate public notice of the request for proposals must be given, pursuant to applicable state and federal laws and regulations.
- D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. ~~A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.~~
- E. The request for proposals must state the relative importance of price and other evaluation factors.
- F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.
- G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

#### 3.8.050 Small purchases.

- A. Any procurement not exceeding the amount established by 7-5-4302 MCA may be made in accordance with the **purchasing** procedures developed by the City Manager or his/her designee.
- B. Procurement requirements may not be artificially divided so as to avoid compliance with the prescribed **purchasing** procedures developed in compliance with this section.

#### 3.8.060 Sole source procurement — records.

A contract may be awarded for a supply or service item without competition when the City Manager or a department head determines in writing that **the request meets the criteria in the City's purchasing policies for a sole source purchase.** ~~there is only one (1) source for the required supply or service item. The City may require the submission of cost or pricing data in connection with an award under this section.~~

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**3.8.070 Cancellation of invitations for bids or requests for proposals.**

An invitation for bids, a request for proposals or other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part, when it is in the best interests of the City. The option to cancel or reject shall apply whether or not it is specified in the solicitation.

**3.8.080 Non-responsibility of bidders and offerors — nondisclosure.**

A written determination of non-responsibility of a bidder or offeror must be made and filed with the City Clerk. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror.

**3.8.090 Types of contracts.**

Subject to the limitations of this section, any type of contract that will promote the best interests of the City may be used, except that the use of a cost-plus-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any other type or that it is impracticable to obtain the supplies or services required except under such a contract.

**3.8.100 Approval of accounting system.**

Except with respect to firm fixed-price contracts, no contract type may be used unless it has been determined by the City that:

- A. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and
- B. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

**3.8.110 Bid and contract performance security.**

- A. For City contracts for the procurement of services in the amount established by 7-5-4302 MCA or less or of supplies, the City may in its discretion require the filing of:
  1. Bid security;
  2. Contract performance security to guarantee the faithful performance of the contract and the payment of all laborers, suppliers, material-men, mechanics, and subcontractors; or
  3. Both bid and contract performance security.
- B. For City contracts for the procurement of services exceeding the amount established by 7-5-4302 MCA, the department shall require bid security and contract performance security, except **that the department, in its discretion, may require bid security and contract performance security for small or sole source purchases as described in this eChapter.**
- C. If security is required under subsection (4A) or (2B), the following types of security may be required to be made payable to and deposited with the City:
  1. A good and sufficient bond with a licensed surety company as surety;

## Exhibit "A"

### Title 3 REVENUE AND FINANCE

2. An irrevocable letter of credit not to exceed one hundred thousand dollars (\$100,000.00) in accordance with the provisions of Title 30, Chapter 5, part 1 MCA;
  3. Lawful money of the United States;
  4. A cashier's check, certified check, bank money order, or bank draft, any of which must be drawn or issued by any banking corporation incorporated under the laws of Montana or by a banking association located in Montana; or
  5. Certificates of deposit or money market certificates not to exceed one hundred thousand dollars (\$100,000.00) issued by any bank or savings and loan association licensed to do business in Montana.
- D. The amount and type of the security mentioned above must be determined by the City to be sufficient to cover the risk, except that the same shall not be less than ten (10) percent of the bid price for bid security and twenty-five (25) percent of the total contract price for contract performance security, and must be payable to the City of Great Falls. In determining the amount and type of contract performance security required for each contract, the City shall consider the nature of the performance and the need for future protection. In determining the need for an amount of bid security, the City shall consider the risks involved if a successful bidder or offeror fails to enter into a formal contract; such considerations shall include but are not limited to the type of supply or service being procured, dollar amount of the proposed contract, or delivery time requirements. The City may adopt rules to assist it in making these determinations and in dealing with irrevocable letters of credit. Bid and contract security requirements must be included in the invitations for bids or requests for proposals.
- E. If a bidder or offeror to whom a contract is awarded fails or refuses to enter into the contract or provide contract performance security as required by the invitation for bid or request for proposal, after notification of award, the City may, at its discretion, require the bidder to forfeit the bid security to the City and become immediately liable on the bid bond, but not in excess of the sum stated therein. The liability of the bidder or offeror, the liability of the maker of the security or bid bond, or the liability on the bid bond shall not exceed the amount specified in the invitation for bid or request for proposal.
- F. Negotiable instruments provided as bid security must be refunded to those bidders or offerors whose bids or proposals are not accepted.

#### **3.8.120 Contracts - terms, extensions, and time limits.**

- A. A contract, lease or rental agreement may be extended or renewed if the terms of the extension or renewal, if any, are included in the solicitation and funds are available for the first fiscal period at the time of the agreement. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds therefore.
- B. Prior to the extension or renewal of a contract, it must be determined in writing that:
1. Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
  2. The contract will serve the best interests of the City by encouraging effective competition or otherwise promoting economies in state procurement.
- C. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract must be canceled.

#### **3.8.130 Reporting of anti-competitive practices.**

If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the Attorney General by the City.

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**3.8.140 Insurance requirements and limits.**

All bid specifications must contain a description of the required insurance and limits as pertains to the type of contract being let for bid. Work may not commence until such certificates of insurance and any endorsements are received, reviewed and accepted by the City.

**Chapter 9 RESERVED**

**Chapter 10 CONTRACTS**

**Sections:**

**3.10.010 Contracts.**

The City may contract for any period of time and this chapter is intended to supersede 7-5-4304 and 7-5-4306 MCA and any other relevant statute.

**Chapter 11 RESERVED**

**Chapter 12 SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND**

**Sections:**

3.12.010 Creation.

3.12.020 Providing funds.

3.12.030 Loans from special improvement district revolving fund.

3.12.040 Lien of loan.

3.12.050 Use of excess special improvement district revolving fund.

3.12.060 Continuing obligation.

**3.12.010 Creation.**

In order to secure the prompt payment of any special improvement district bonds and warrants issued in payment of improvements made in any special improvement district, or districts and the interest thereon, as it becomes due (the "Bonds" and "Warrants"), unless such Bonds or Warrants by their terms are not secured by such fund, there is hereby created and established a fund to be known and designated as "Special Improvement District Revolving Fund" (hereafter the Revolving Fund).

**3.12.020 Providing funds.**

A. For the purpose of providing funds for the Revolving Fund, the City Commission:

1. May, in its discretion, from time to time, transfer to the Revolving Fund from the General Fund of the City (the General Fund), such amount or amounts as may be deemed necessary, which amount or amounts so transferred, shall be deemed and considered and shall be loans from such General Fund to the Revolving; and
2. May include in the costs of the improvement to be defrayed from proceeds of the Bonds or Warrants an amount up to five (5) percent of the principal amount of the Bonds or Warrants and deposit it in the Revolving Fund upon receipt of such proceeds;

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- B. Shall, in addition to such transfer, or transfers, from the General Fund, or in lieu thereof, levy and collect for said Revolving Fund a tax, hereby declared to be for a public purpose, on all the taxable property in the City as shall be necessary to meet the financial requirements of said fund. However, a tax may not be levied if the balance in the Revolving Fund exceeds five (5) percent of the principal amount of the then-outstanding Bonds and Warrants secured thereby. If a tax is levied, the tax may not be an amount that would increase the balance in the fund above five (5) percent of the then-outstanding Bonds and Warrants secured thereby.

**3.12.030 Loans from special improvement district revolving fund.**

Whenever any Bond or Warrant which is secured by the Revolving Fund, or interest thereon, shall be, or shall become due and payable, and there shall then be either no money, or not sufficient money, in the appropriate special improvement district fund with which to pay the same, an amount sufficient to make up the deficiency shall, by order of the City Commission, be loaned by the Revolving Fund to such district fund. Thereupon, such Bond or Warrant or such interest thereon shall be paid from the money so loaned, or from the money so loaned when added to the insufficient amount, as the case may require.

**3.12.040 Lien of loan.**

- A. Whenever any loan is made to any special improvement district from the Revolving Fund, the Revolving Fund shall have a lien therefore on all unpaid assessments and installments of assessments pledged to such funds (whether delinquent or not) and on all moneys thereafter coming into such funds, to the amount of such loan, together with interest thereon from the time it was made at the rate or percentage borne by the Bond or Warrant for payment of which, or if interest thereon, such loan was made.
- B. Whenever there shall be moneys in such special improvement district fund which are not required for the payment of any Bond or Warrant, or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the City Commission, be transferred to, and become a part of, the Revolving Fund.

**3.12.050 Use of excess special improvement district revolving fund.**

- A. Whenever there is an amount in the Revolving Fund, in excess of the amount deposited in the Revolving Fund pursuant to 3.12.020.A hereof and in excess of five (5) percent of the outstanding Bonds and Warrants and the City Commission considers any part of the excess to be greater than the amount necessary for the payment or redemption of maturing Bonds or Warrants secured thereby, or interest thereon, the City Commission may:
1. By a vote of all its members, at a meeting called for that purpose, order such excess, or any part thereof, transferred to the General Fund of the City; or
  2. Use such excess, or any part thereof, for the purpose of purchase of property at sales for delinquent taxes or assessments, or both, or which may have been struck off or sold to the County of Cascade for delinquent taxes or assessments, or both, and against which property there then be any unpaid assessments for special improvements on account whereof there are outstanding Bonds or Warrants of the City.

**3.12.060 Continuing obligation.**

That so long as any Bonds or Warrants secured by the Revolving Fund are outstanding, or any interest thereon remains unpaid, the City may not abrogate its responsibilities or obligations hereunder or under any resolution authorizing the issuance of Bonds and Warrants secured by the Revolving Fund.

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(Ord. 3220, 2020; Ord. 3186, 2018; Ord. 3154, 2017; Ord. 2897, 2005; Ord. 2893, 2004; Ord. 2731, 1997; Ord. 2696, 1995; Ord. 2655, 1993; Ord. 2613, 1991; Ord. 2607, 1991; Ord. 2595, 1991; Ord. 2586, 1991; Ord. 2585, 1991; Ord. 2581, 1990; Ord. 2284, 1981; Ord. 2255, 1981; Ord. 1979, 1976; Ord. 1973, 1976; Ord. 1967, 1976; Ord. 1930, 1976; Ord. 1912, 1976; Ord. 1911, 1976; Ord. 1884, 1976; Ord. 1863, 1975; prior codes §6-7-2, §6-7-1)