



ORDINANCE NO. 2047

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, GRANTING TEMPORARY AUTHORITY TO THE CITY MANAGER TO APPROVE CONTRACTS AND EXPENDITURES IN FURTHERANCE OF EMERGENCY DECLARATION AND SUSPENDING STATE AND LOCAL PROCUREMENT REQUIREMENTS.

WHEREAS, the City of Bozeman (the “City”) is authorized by the City Charter and Montana law to establish programs and laws to protect public the health, safety and welfare of the citizens of Bozeman; and,

WHEREAS, pursuant to [2.02.140.C, BMC](#), the City Commission may, by an affirmative vote of four-fifths of its members, pass emergency measures for the immediate preservation of the public peace, property, health, or safety; and,

WHEREAS, pursuant to [7-5-104](#) and [7-5-4303](#), MCA, 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 or 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 16, 2020, the City Manager issued the Declaration of Emergency for Covid-19 Pandemic (the “Declaration”); and,

WHEREAS, On March 18, 2020, the City Commission ratified the Declaration; and

WHEREAS, the City Manager requests authority from the Bozeman City Commission to take all steps necessary to implement the Declaration; and,

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WHEREAS, the Bozeman City Commission recognizes the emergency nature of the Covid-19 Pandemic incorporating the findings of the Declaration and the necessity for the City to ensure the health, safety, and general welfare of the citizens of Bozeman and the City's employees.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

To implement the Declaration of Emergency for the Covid-19 Pandemic (Declaration), dated March 16, 2020, the City Commission hereby ordains:

1. 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 Titles 7 and 18, MCA and to the City's purchasing policy (Administrative Order 2013-06). This authorization is limited only to agreements, contracts, purchases, and expenditures reasonably necessary to implement the Declaration and to no other agreements, contracts, purchases, or expenditures.
2. For agreements, contracts, purchases and expenditures made in fulfillment of the Declaration the City Manager must comply, if practicable, with federal, state and local procurement requirements.
3. 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.
4. This Ordinance shall expire after ninety (90) days or upon revocation by the City Manager of the Declaration of Emergency for Covid-19 Pandemic, whichever is earlier. The City Commission may extend this Ordinance upon a 4/5 vote of its membership.

Section 2

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of

the City of Bozeman 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 Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 4

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged 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 Bozeman Municipal Code as a whole.

Section 5

Codification.

This Ordinance shall not be codified but shall be kept by the City Clerk and entered into a disposition list in numerical order with all other ordinances of the City.

Section 6

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 Declaration of Emergency for Covid-19 Pandemic, whichever is earlier, unless extended by vote of the City Commission.

ADOPTED by a 4/5 vote of the total membership of the City Commission of the City of Bozeman, Montana, at an emergency session held on the 18th day of March, 2020.

Chris Mehl
Mayor

ATTEST:

Mike Maas, Interim City Clerk
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

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