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REVENUE
AND
FINANCE

REVENUE AND FINANCE

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CHAPTER 3.04

GENERAL FINANCE

Sections:

- 3.04. 010 Fiscal year.
- 3.04. 020 Borrowing money.
- 3.04. 030 Yearly financial statement.
- 3.04. 040 Inactive accounts transferred to general fund.
- 3.04. 050 Transfer of funds.

*Finance book maintained by municipal clerk, see §2.08.04 (c) . Duties of the treasurer, see §2.08.050.

3.04. 010 Fiscal year. The fiscal year of the municipality commences on the first day of July of each year and ends on the last day of June of each year.

M.C.A. 7-6-4101

3.04. 020 Borrowing money. The municipal council has power to contract an indebtedness on behalf of the municipality, upon the credit thereof, by borrowing money or issuing bonds for the purposes and to the extent specified by the Constitution and laws of the state of Montana. CONST. art. 13, §6, M.C.A. 7-7-4201, 7-7-4202)

3.04. 030. Yearly financial statement. (a) Within sixty days after the close of each fiscal year the municipal clerk must make out, in duplicate, a full and complete statement of the financial condition of the municipality for such fiscal year showing:

- (1) The indebtedness of the municipality, funded and floating; the amount of each class of indebtedness; and the amount of money in the treasury subject to the payment of each class of indebtedness;
- (2) The amount of money received from taxes upon real and personal property;
- (3) The amount of money received from fines, penalties and forfeitures;
- (4) The amount of money received from licenses;
- (5) The amount of money received from all other sources, each source and the amount received there from being shown separately;
- (6) For each fund the amount of money, if any, on hand at the beginning of such fiscal year, the amount received by and the amount paid out during such fiscal year, the total amount of money paid out must be deducted from the sum of money on hand at the beginning of the fiscal year and money received during such year by the municipal treasurer, and a balance must be struck for each fund;

(7) A concise description of all property owned by the municipality with an approximate estimate of the value thereof;

(8) The rates of taxation and purposes for which levied during such fiscal year;

(9) Such other information as may be, from time to time, required by the state examiner.

(b) The forms on which such statement shall be made shall be prescribed by the state of examiner.

(c) The municipal clerk must, not later than the 31st day of August following the close of each fiscal year, transmit one copy of such statement to the state examiner, and must present the other copy thereof to the municipal council at the first regular meeting thereof in the month of September.

(d) If the clerk shall fail to make and file a copy of such statement with the state examiner within the time above specified, it shall be the duty of the state examiner, without delay, to examine the books, records and accounts of the municipality and to make therefrom such statement of the financial condition of the municipality for the immediately preceding fiscal year in the same manner and form as the same should have been made by the clerk. (M.C.A. 7-6-4111, 7-6-4112 Repealed). Mayor to make statement of financial condition of municipality every three months, §2.08. 020, §2.08. 050.

3.04. 040 Inactive accounts transferred to general fund. Whenever the council of the municipality shall deem it necessary to remove inactive accounts from its records where said accounts shall not have any further purpose, it shall be lawful for the council to direct the proper municipal officials to file claims against the respective inactive funds in favor of the general fund of the municipality, after which the council shall allow the same and cause the inactive funds to be closed and not continued in the record of active funds. M.C.A. 7-6-4124 Repealed.

3.04. 050 Transfer of funds. No money must be transferred from one municipal fund to another, except by ordinance or resolution of the council.
M.C.A. 7-6-4123

CHAPTER 3.08

CONTRACTS

Sections:

- 3.08. 010 Awarding certain contracts—Vote by electors.
- 3.08. 020 Advertisements.
- 3.08. 030 Emergencies.
- 3.08. 040 Reception of bids.
- 3.08. 050 Preparation of contract.
- 3.08. 060 Public works contractor's bond.
- 3.08. 070 Montana Power Company Contract.

3.08. 010 Awarding certain contracts—Vote by electors.

All contracts of the municipality for the purchase of any automobile, truck, or other vehicle or road machinery, or for any other machinery, apparatus, appliances, or equipment, or for any materials or supplies of any kind, or for construction for which must be paid a sum exceeding twenty five (\$25,000.00) dollars, or any lower amount that may be provided by ordinance, must be let to the lowest responsible bidder after advertisement for bids.

The council shall not let any contracts extending over a period of five years or more without first submitting the question to a vote of the taxpaying electors of the municipality M.C.A. 7-5-4302

3.08. 020 Advertisements. Advertisements required by Section 3.08. 010 shall be made in the official newspaper of the municipality, if there be such official newspaper and, if not, it shall be made in a daily newspaper of general circulation published in the municipality, if there be such, otherwise by posting in three of the most public places in the municipality. Such advertisement, if by publication in a newspaper, shall be made once each week for two consecutive weeks and the second publication shall be made not less than five days nor more than twelve days before the consideration of bids. If such advertisement is made by posting, fifteen days must elapse, including the day of posting, between the time of the posting of such advertisement and the day set for considering bids. M.C.A. 7-5-4302, 7-5-4301 (1).

3.08. 030 Emergencies. The provisions of Section 3.08. 020 as to advertisement for bids shall not apply upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or any other similar emergency, but, in such case, the council may proceed in any manner which, in the judgment of three-fourths of the members of the council present at the meeting, duly recorded in the minutes of the proceedings of the council by aye and nay vote, will best meet the emergency and serve the public interest. Such emergency shall be declared and recorded at length in the minutes of the proceedings of the council at the time the vote thereon is taken and recorded. M.C.A. 7-5-4303

3.08.040 Reception of bids. The bids shall be opened by the clerk in the presence of the council while the council is in actual session at a regular, adjourned, or special meeting. After the bids shall have been opened, the contract shall be let or awarded by the council. The award shall be made to the lowest responsible bidder. The council may postpone action as to any such contract until the next regular meeting after bids are received, or may reject any and all bids and re-advertise.

3.08.050 Preparation of contract. Upon receiving the statement of the awarding of a contract, it shall be the duty of the municipal attorney to prepare a contract and bond in accordance with the statement. All contracts shall be executed on the part of the municipality by the mayor and attested by the clerk, and together with the bond therefore shall be filed with the clerk of the municipality.

3.08.060 Public works contractor's bond. Whenever the council shall contract with any person or corporation to do any work for the municipality, the council shall require the corporation, person or persons with whom such contract is made, to make, execute and deliver to the council, a good and sufficient bond with two or more sureties, or with a surety company as surety, conditioned that such corporation, person or persons shall faithfully perform all of the provisions of such contract, and pay all laborers, mechanics, subcontractors and material-men, and all persons who shall supply such corporation, person or persons, or subcontractors with provisions, provender, material, or supplies for the carrying on such work. A copy of such bond shall be filed with the municipal clerk. M.C.A. 18-2-201 M.C.A. 18-2-203.

3.08.070 Montana Power Company Contract.

Section 1. There is hereby granted to the Montana Power Company, a corporation, its successors and assigns (hereinafter called the "Grantee"), the right, privilege and franchise for the full period of fifty (50) years from the effective date hereof and thereafter until and unless otherwise provided by ordinance to construct, equip, lay, maintain and operate in, under, upon, over and across the streets, avenues, alleys, highways, bridges, easements and other public places in the Town of Browning, County of Glacier, State of Montana, as now or hereafter constituted, mains, pipes, conduits, manholes, reducing and regulating stations and all other appurtenances and accessories for the purpose of transporting, conveying, distributing, supplying and selling natural gas or artificial gas, or a mixture of natural gas and artificial gas for light, heat, power and other purposes, at rates fixed and allowed by the Public Service Commission of Montana, and Grantee agrees to file with the Clerk of the Town of Browning, the schedule of rates thus fixed and allowed.

Section 2. The Grantee shall extend its gas mains and pipes to such parts of said Town as the consumption of gas shall justify.

Section 3. The Grantee, at all times during the existence of this franchise, shall use its best efforts to obtain and supply a continuous, sufficient and adequate quantity of gas for

the use by said Town and its inhabitants, provided, however, that Grantee shall in no wise be liable to said Town or to its inhabitants because of interruption or discontinuance of the supply of gas by causes beyond the reasonable control of Grantee.

Section 4. Grantee shall not discontinue the distribution of gas through its distributing system, or any portion thereof, for an unreasonable length of time for the purpose of making repairs and extensions, but Grantee shall not be liable to the Town or to any consumers for damages caused by such temporary discontinuance or interruption of the delivery of gas, provided that such repairs and extensions are made with reasonable diligence.

Section 5. All work done in, under, upon, over and across the present and future streets, avenues, alleys, highways, bridges, easements and other public places in the Town of Browning, Montana, by Grantee for the purpose of carrying out the provisions of this franchise shall be done and performed in a good and workmanlike manner. When any street, alley or other public place in said Town is excavated or damaged by Grantee by reason of such work, the Grantee shall restore such street, alley or public place to its former condition as early as practicable.

If at any time a change in the grade or plan of any street, alley or public place shall be made by order of the proper Town officials, the Grantee shall, without expense to the Town of Browning, Montana, make such changes in the location of its pipes and facilities as the change of the grade or plan of the street, alley, or public place makes necessary, which said changes shall be made as soon as possible after said Grantee shall have received notice from the proper Town officials having the same in charge.

Section 6. Grantee shall hold the Town of Browning harmless from all costs and damages which shall or may accrue to said Town by reason of the neglect, default or misconduct of the Grantee in connection with the exercise of its rights hereunder.

Section 7. Grantee is hereby given the right and authority to make assignments of this right, privilege or franchise, and its rights hereunder, all assignees to be bound to the same extent as the original Grantee.

Section 8. The Town of Browning shall pass all ordinances necessary or suitable to protect the property and rights of said Grantee and to enable said Grantee to enforce any of its reasonable rules and regulations for the management, operation and control of the service hereunder, and shall pass any reasonable ordinance or ordinances that may be necessary or suitable in order fully to confirm to said Grantee the rights herein or hereby granted or intended so to be.

Section 9. Nothing in this ordinance contained shall be held or construed to grant any exclusive rights or privileges, but the Town of Browning reserves to itself the right at any time to make such other grants or extend such other privileges to any person or persons, company or corporation for the use of its streets, alleys, or other public places, or any thereof, for the purposes in this ordinance expressed, or for any other valid purpose as the Town Council may by ordinance from time to time determine.

Section 10. Failure on the part of Grantee to comply in any substantial respect with any of the provisions of this franchise shall be grounds for a forfeiture thereof, but no such forfeiture shall take effect if the reasonableness or the property thereof is protested by Grantee until and unless a court of competent jurisdiction (with right of appeal in either party) shall have found that said Grantee has failed to comply in a substantial respect with any of the provisions of this franchise, and Grantee shall have six (6) months after the final determination of said question to make good the default before a forfeiture shall result, with the right in the Town Council, at its discretion, to grant such additional time to the Grantee for compliance, as necessities in the case may require.

Section 11. This ordinance shall take effect and be in force from and after thirty (30) days after the final passage and approval hereof, provided Grantee shall file with the Town Clerk of the Town of Browning a written acceptance of this ordinance, but if such acceptance is not so filed, this ordinance shall be void.

Finally passed by the Town Council of the Town of Browning, Glacier County, Montana, and approved this 12 day of June 1962.