

Title 3

REVENUE AND FINANCE

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Chapter 3.04

GOVERNMENT BUDGET

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3.04.001 Purpose.

The purpose of this chapter is to adopt the Montana Municipal Budget Law for use by the local government of the city and county of Butte-Silver Bow in compliance with Section 7-5-201(1), MCA. (Ord. 478 § 1, 1994)

3.04.002 Scope.

The scope of this chapter is to adopt by reference the provisions of Part 42 of Chapter 6 of Title 7 of the Montana Code Annotated (MCA) entitled Municipal Budget Law as the budget law for use by the local government of the city and county of Butte-Silver Bow, Montana. This chapter provides for necessary changes in the Montana Municipal Budget Law to accommodate the structure of the local government of the city and county of Butte-Silver Bow.
(Ord. 478 § 2, 1994)

3.04.010 Title.

The provisions of this chapter may be referred to as the Municipal Budget Law and incorporate by reference, with necessary changes made to accommodate the structure of the Butte-Silver Bow city-county government, the Montana Municipal Budget Law as set forth in Section 7-6-4201, et seq., MCA.
(Ord. 478 § 3, 1994: Ord. 39 § 1 (part), 1977)

3.04.020 Definitions.

As used in this chapter wherever the following words or definitions are used in the Montana Municipal Budget Law they shall have the following meanings:

- A. "Chief executive" means the Butte-Silver Bow chief executive.
- B. "Clerk" means the Butte-Silver Bow clerk and recorder.
- C. "Council" means the Butte-Silver Bow council of commissioners.
- D. "Finance officer" means the Butte-Silver Bow finance and budget director, whose powers and duties are set forth in Chapter 2.11 of the Butte-Silver Bow Municipal Code.
- E. "Governing body" means the Butte-Silver Bow council of commissioners.
- F. "Municipal corporation" or "municipality" means the city and county of Butte-Silver Bow.
- G. "Treasurer" means the Butte-Silver Bow treasurer.

(Ord. 98-11 § 1, 1998: Ord. 478 § 4, 1994: Ord. 39 § 1 (part), 1997)

3.04.025 Finance and budget administrator--Appointment-- Function.

The chief executive may appoint, with the advice and consent of the council of commissioners, a finance and budget director who shall direct the preparation and implementation of the budget.
(Ord. 99-3 § 1, 1999)

Chapter 3.08

ANNUAL FINANCIAL REPORT

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3.08.010 Definitions.

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3.08.010 Definitions.

The following definitions are provided for the sole purpose of proper interpretation and administration of this chapter:

- A. "Clerk and recorder" means the clerk and recorder of Butte-Silver Bow or his duly authorized representative.
- B. "Council" means the council of commissioners of Butte-Silver Bow.
- C. "Department of Commerce" means the Department of Commerce of the state.
- D. "Local government" means the local government of Butte-Silver Bow.

(Ord. 494 § 1, 1995; Ord. 477 § 1, 1994; Ord. 71 § 1, 1978)

3.08.020 Required--Contents.

Within sixty days after the close of each fiscal year, the clerk and recorder must make out, in duplicate, a complete statement of the financial condition of the local government for that fiscal year, including, but not limited to:

- A. The indebtedness of the local government, 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;
- B. The amount of money received from taxes upon real and personal property;
- C. The amount of money received from fines, penalties, and forfeitures;
- D. The amount of money received from licenses;
- E. The amount of money received from all other sources, each source and the amount received from it being shown separately;
- F. For each fund the amount of money, if any on hand at the beginning of the fiscal year, the amount received and the amount paid out during the fiscal year. The amount of money paid out must be deducted from the total of the money on hand at the beginning of the fiscal year and the money received during the year, and a balance must be struck for each fund;
- G. A concise description of all property owned by the local government with an approximate estimate of the value of it;
- H. The rates of taxation and purposes for which taxes were levied during the fiscal year;

I. Other information which may be required by the Department of Commerce.
(Ord. 494 § 2, 1995; Ord. 477 § 2, 1994; Ord. 71 § 2, 1978)

3.08.030 Forms.

The forms on which the statement shall be made shall be approved by the Department of Commerce.
(Ord. 494 § 3, 1995; Ord. 477 § 3, 1994; Ord. 71 § 3, 1978)

3.08.040 Distribution.

The clerk and recorder must, not later than August 31st following the close of each fiscal year, transmit one copy of the statement to the Department of Commerce, and must present the other copy to the council at its first regular meeting in September.
(Ord. 494 § 4, 1995; Ord. 477 § 4, 1994; Ord. 71 § 4, 1978)

Chapter 3.12

CONTRACT PURCHASES

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3.12.060 Excess expenditures not liability of Butte-Silver Bow--Personal liability of officer.

3.12.001 Purpose.

The purpose of this chapter is to adopt the Montana County Contracts Law and parts of the Montana Procurement Act and the accompanying rules for use by the local government of the city and county of Butte-Silver Bow in compliance with Section 7-5-201(1), Montana Code Annotated (MCA).
(Ord. 03-06 § 1, 2003; Ord. 02-7 § 1, 2002; Ord. 479 § 1, 1994)

3.12.002 Scope.

The scope of this chapter is to adopt by reference the provisions of Part 23 of Chapter 5 of Title 7 of the Montana Code Annotated (MCA) entitled "County Contracts" and to adopt by reference parts of Part 3 of Chapter 4 of Title 18 of the Montana Code Annotated (MCA) entitled "Montana Procurement Act" and the

accompanying rules, and specifically Sections 18-4-242, 18-4-303, 18-4-304, 18-4-306, 18-4-307, 18-4-308, 18-4-309 and 18-4-312, MCA, and the rules accompanying these sections, as the county purchases law for use by the local government of the city and county of Butte-Silver Bow, Montana.

(Ord. 03-06 § 2, 2003; Ord. 02-7 § 2, 2002; Ord. 601 § 1, 1997; Ord. 564 § 1, 1996; Ord. 479 § 2, 1994)

3.12.003 Title.

The provisions of this chapter may be referred to as the county contracts law and incorporate by reference the Montana County Contracts Law as set forth in Section 7-5-4301, et seq., MCA, and specified parts of the Montana Procurement Act and the accompanying rules as set forth in Section 18-4-121, et seq., MCA. (Ord. 03-06 § 3, 2003; Ord. 02-7 § 3, 2002; Ord. 479 § 3, 1994)

3.12.012 Notice and publication requirements.

A. The council of commissioners shall give notice calling for bids on all purchases or construction contracts required to be made by public bid, in accordance with the provisions of Section 3.12.003 adopting the County Contracts Law and parts of the Montana Procurement Act and accompanying rules. Every notice shall be made by legal advertisement in the official newspaper of the city and county of Butte-Silver Bow. The council of commissioners may also give notice in such other newspapers published in the state or trade journals as the council of commissioners may consider advisable.

B. 1. For purchases made under the County Contracts Law, notice shall be given as provided in Section 7-1-4127, MCA. The notice must be published twice, with at least six days separating publication.

2. Invitation for bids and requests for proposals shall be mailed, posted electronically, or otherwise furnished to a sufficient number of bidders or offerors required to secure competition.

3. For construction contracts made under the Montana Procurement Act notice shall be given as provided in Section 18-2-301, MCA. The notice must be published at least once a week for three consecutive weeks in two newspapers published in the state, one of which must be published in the city-county of Butte-Silver Bow.

C. The notice shall state in general terms:

1. A brief description of the item or structure to be purchased, constructed or repaired;

2. Where a copy of a detailed description of the item or structure may be obtained;

3. The last date, time and place when the bid will be accepted;

4. The address and telephone number of the person who may be contacted for further information on the bid request.

D. When the purchase includes work and materials required for a construction project, plans and specifications for it shall be approved by the council of commissioners and made available to all bidders at a

place or places designated in the notice. No changes shall be made in plans and specifications referred to in the notice, except by addendum furnished to all persons who have requested plans and specifications.

E. The purchase shall be made from the lowest and most responsive and responsible bidder subject to the requirements of Title 18, MCA, dealing with and providing preference for Montana contractors, Montana-made goods and Montana labor, except the council of commissioners may reject any or all bids. If the lowest bid is not accepted, reasons shall be entered in minutes.

F. If responsible bids are not received after two attempts, the council may contract for the item or work in a manner determined to be cost-effective for the city-county.

G. All requests for purchases in excess of twenty thousand dollars shall be referred to the department of public works for approval as to form, including review of specifications, public notice and publication provisions, bid and contract performance security provisions and compliance with state and federal requirements for labor and materials and anti-discrimination practices. No claim may be approved or contract awarded without such approval from the department works.

(Ord. 08-6 § 1, 2008; Ord. 03-06 § 4, 2003; Ord. 02-7 § 4, 2002; Ord. 01-14 § 1, 2001; Ord. 601 § 2, 1997; Ord. 564 § 2, 1996; Ord. 479 § 4, 1994)

3.12.013 Purchase requirements.

A. The purchase shall be made from the lowest and most responsive and responsible bidder subject to the requirements of Title 18 MCA, dealing with and providing preference for Montana contractors, Montana-made goods and Montana labor, except the council of commissioners may reject any or all bids. If the lowest bid is not accepted, reasons shall be entered in minutes.

B. All bids must be accompanied by the required bid bond and performance bond.

C. If brand names are necessary to indicate quality levels, an acceptable brand name shall be listed.

D. Justification shall be provided and attached if a single brand is necessary and a public hearing must be held and resolution adopted by council authorizing single brand purchase.

E. Justification shall be provided and attached if the commodity is to be a sole source purchase and a public hearing must be held and resolution adopted by the council authorizing sole source purchase.

F. Description of other requirements, such as warranty, training, parts, manuals, service, etc. shall be listed.

G. The date and commodity is to be delivered shall be listed.

H. The location where the commodity is to be delivered shall be listed.

I. The name, address and phone number of agency the contact person.

J. Receiving procedures (if testing, sampling or other evaluation will be performed when

commodity is delivered to determine acceptability) must be described.

K. If responsible bids are not received after two attempts, the council may contract for the item or work in a manner determined to be cost-effective for the city-county.

L. All requests for purchases in excess of ten thousand dollars shall be accompanied by three quotes. In the event it is either not practicable or not advantageous to the city-county to list three bidders or offerors, the purchasing agency may submit documentation explaining why there were not a sufficient number of bidders or offerors to secure competition.

M. All requests for architectural, engineering or land surveying services for projects for which the fees are estimated not to exceed twenty thousand dollars may be contracted for those professional services by direct negotiation.

N. Requests for proposals (or requests for solicitations) must be solicited for projects for architectural, engineering and land surveying services for projects for which the fees are estimated to exceed twenty thousand dollars.

O. All requests for purchases in excess of forty-five thousand dollars shall be referred to the department of public works for approval as to form, including review of specifications, public notice and publication provisions, bid and contract performance security provisions and compliance with state and federal requirements for labor and materials and anti-discrimination practices. No claim may be approved or contract awarded without such approval from the department of public works.
(Ord. 08-6 § 2, 2008)

3.12.014 Mistakes and minor variations in bids and offers.

A. The council of commissioners may allow a bidder or offeror to correct minor mistakes in a bid or offer if the mistake is clearly not attributed to an error in judgment, and the mistake and the intended correct bid or offer is clearly evident on the form of the document. Examples of correctable mistakes include, but are not limited to:

1. Typographical errors;
2. Errors in extending unit prices;
3. Transposition errors;
4. Arithmetical errors; and
5. Signature omitted.

B. The council of commissioners may permit a bidder or offeror to withdraw a low bid or proposal if:

1. A mistake is clearly evident on the face of the document but the intended correct information is

not similarly evident; or

2. The bidder or offeror submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made.

(Ord. 08-6 § 3, 2008)

3.12.015 Procurement Act.

In accordance with the provisions of Section 18-4-124, MCA, the council of commissioners adopts the following parts of the Montana Procurement Act and the accompanying rules (as set forth in Section 18-4-121, et seq., MCA):

- A. Section 18-4-242, MCA, entitled Remedies prior to and after award.
- B. Section 18-4-303, MCA, entitled Competitive sealed bidding.
- C. Section 18-4-304, MCA, entitled Competitive sealed proposals.
- D. Section 18-4-306, MCA, entitled Sole source procurement--Records.
- E. Section 18-4-307, MCA, entitled Cancellation of invitations for bids or requests for proposals.
- F. Section 18-4-308, MCA, entitled Nonresponsibility of bidders and offerors--Nondisclosure.
- G. Section 18-4-309, MCA, entitled Prequalification of suppliers.
- H. Section 18-4-312, MCA, entitled Bid and contract performance security.

(Ord. 601 § 3, 1997; Ord. 564 § 3, 1996; Ord. 479 § 5, 1994)

3.12.020 Preference for Montana contractors, materials and labor.

All contracts awarded shall comply with the provisions of Title 18 of the Montana Code Annotated (MCA) entitled Public Contracts, dealing with and providing preference for Montana contractors, materials and labor.

(Ord. 479 § 6, 1994; Ord. 355 § 2, 1989; Ord. 13 § 2, 1977)

3.12.022 Determination of prevailing wage.

The council of commissioners shall determine the prevailing wage rate to be stated in the contract in accordance with Section 18-2-401, et seq., MCA.

(Ord. 479 § 7, 1994)

3.12.024 Freedom from discrimination.

All contracts shall contain the freedom from discrimination clause required by Section 49-3-207, MCA.

(Ord. 479 § 8, 1994)

3.12.026 Lease/purchase.

A contract for the rental or lease of any item or items which provides that after a certain fixed amount has been paid on the contract the item or items become the property of the local government shall be considered a contract for the purchase of the item or items.

(Ord. 479 § 9, 1994)

3.12.028 Partial payments.

Partial payments may be provided for in the contract and paid upon approval of the officer or employee of the government of Butte-Silver Bow in charge of the project.

(Ord. 479 § 10, 1994)

3.12.030 Exempt purchases.

A. Personnel may be employed in the manner provided in the Charter of Butte-Silver Bow.

B. Legal, professional and technical services may be purchased without complying with Section 3.12.003.

C. Real estate may be purchased without complying with Section 3.12.003.

D. Excepted however the provisions of this section are annual renewal(s) of maintenance and subscription services. The approval of payment for such services must continue to be approved by the council of commissioners.

(Ord. 08-6 § 4, 2008; Ord. 479 § 11, 1994; Ord. 13 § 3, 1977)

3.12.040 Property control.

The chief executive of Butte-Silver Bow shall annually conduct a physical inventory of the fixed assets of the government, and report any discrepancies to the council of commissioners.

(Ord. 13 § 4, 1977)

3.12.050 Disposal and leases of municipal property.

A. The government of Butte-Silver Bow may sell, lease, exchange or otherwise dispose of any interest in either real or personal municipal property acquired other than by tax deed in accordance with the provisions set forth in Section 7-8-4201, MCA. Property taken by tax deed shall be disposed of pursuant to Part 23 of Chapter 8 in Title 7, MCA.

B. The council of commissioners shall approve all sales, leases, exchanges, or other dispositions of government property by resolution.

C. If the property was acquired by tax deed, and if the property interest to be sold, leased, exchanged or otherwise disposed of has an estimated value of more than two thousand five hundred dollars, the

council of commissioners shall have the property appraised and give notice of the sale, lease, exchange, other disposition, the terms and that bids will be accepted on the property. At the regular meeting of the council of commissioners following the closing of bids, the council of commissioners shall examine the bids offered and order the property sold or leased to the highest or most responsible bidder. The council of commissioners may reject any or all bids.

D. Subsection C of this section shall not apply to a sale, lease or exchange to or between two political subdivisions of the state or between a local government and a state or federal agency or to a sale or exchange which is made as part of a contract to purchase similar property by the local government or to a lease which is approved by a two-thirds vote of the entire governing body, or to a sale, lease or exchange made pursuant to Chapter 3.24. E. The council of commissioners may establish by ordinance a schedule of rents and charges for the use of public property.

F. The government of Butte-Silver Bow shall not circumvent the provisions of this section by dividing into several sales any transaction which constitutes an integral whole.

G. Proceeds from the sale, lease, or other disposition of property shall be taken up into the accounts from which the property was purchased unless otherwise provided by ordinance.
(Ord. 511 § 1, 1995; Ord. 355 § 3, 1989; Ord. 13 § 5, 1977)

3.12.060 Excess expenditures not liability of Butte-Silver Bow--Personal liability of officer.

Liabilities incurred in excess of any of the budget appropriations are not a liability of the government of Butte-Silver Bow, but the official or employee making or incurring the expenditure in excess of the unencumbered balance of the appropriation against which it is drawn is liable personally and upon his official bond.
(Ord. 13 § 6, 1977)

Chapter 3.16

CLAIMS AGAINST GOVERNMENT

Sections:

- 3.16.010 Presentation to budget administrator.**
- 3.16.020 Itemization and verification.**
- 3.16.030 Time limit for presentation.**
- 3.16.040 Processing procedure to be adopted.**
- 3.16.050 State statutes superseded.**

3.16.010 Presentation to budget administrator.

It shall be the duty of the persons having claims against the local government of Butte-Silver Bow to present the same to the Butte-Silver Bow budget administrator.
(Ord. 61 § 1, 1978)

3.16.020 Itemization and verification.

Prior to their submission to the budget administrator, all claims shall be itemized and verified by the

claimant that the goods or services have been delivered to the local government.
(Ord. 61 § 2, 1978)

3.16.030 Time limit for presentation.

Every claim against the government of Butte-Silver Bow, except claims arising from injury to a person or property which are limited under the provisions of Title 82, Chapter 43 of the Revised Codes of Montana, 1947, must be presented within one year after the last item accrued.
(Ord. 61 § 3, 1978)

3.16.040 Processing procedure to be adopted.

The council of commissioners shall adopt a procedure for the processing of claims.
(Ord. 61 § 4, 1978)

3.16.050 State statutes superseded.

All state statutes in conflict with this chapter are superseded subject to those limitations imposed by the laws of the state of Montana upon self-power local governments.
(Ord. 61 § 5, 1978)

Chapter 3.20

SALE OF TAX DEEDED PROPERTY

Sections:

3.20.010 Disposal of city-county tax deed land.

3.20.020 Execution of contract and deed when sale made on terms.

3.20.030 Compliance with state statutes.

3.20.010 Disposal of city-county tax deed land.

A. Wherever the city and county of Butte-Silver Bow (city-county) hereafter acquires any land by tax deed, it shall be the duty of the council of commissioners, within six months of acquiring title, to make and enter an order to:

1. Sell the land at public auction;
2. Donate the land to a municipality, as provided in Section 7-8-2301(3), MCA, if the land is within the incorporated boundaries of the municipality;
3. Donate the land to a non-profit corporation as provided in Section 7-8-2301(3), MCA; or
4. Retain the land for the city-county as provided in Section 7-8-2301(3), MCA.

B. Such sale shall be made for cash or on terms as the council of commissioners may approve; provided, however, that if such sale is made on terms, at least twenty percent of the purchase price shall be paid

in cash at the date of sale and the remainder may be paid in installments extending over a period not to exceed five years at a rate established by the council of commissioners. The rate may not exceed more than four percentage points a year above the prime rate of major New York banks as published in the Wall Street Journal within seven days prior to the date of sale.

(Ord. 03-8 § 1, 2004: Ord. 9 § 1, 1977)

3.20.020 Execution of contract and deed when sale made on terms.

If a sale is made on terms, the chief executive shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the Department of Revenue of the state, and, upon payment of the purchase price in full together with all interest which may become due on any installment or deferred payments, the chief executive shall execute a deed attested to by the clerk and recorder to the purchaser or his assigns or such other instruments as shall be sufficient to convey all of the title of Butte-Silver Bow in and to the property so sold; provided, that Butte-Silver Bow may in the discretion of the council of commissioners reserve not to exceed six and one quarter percent royalty interest in the oil, gas, other hydrocarbons and minerals produced and saved from said land.

(Ord. 9 § 2, 1977)

3.20.030 Compliance with state statutes.

The city-county shall adhere to all of the provisions contained in Title 7, Chapter 8, Part 23 and Chapters 17 and 18, Title 15, MCA, relative to the collection of general property taxes, tax sales, redemption of tax deeded property, tax deeds and sale of tax deeded lands with the following exceptions:

- A. "County" means the city and county of Butte-Silver Bow, a municipal corporation and political subdivision of the state of Montana.
- B. "Board of county commissioners" means the council of commissioners of the city and county of Butte-Silver Bow, state of Montana.
- C. "Chairman of the board of county commissioners" means the chief executive of the city and county of Butte-Silver Bow, state of Montana.

(Ord. 03-8 § 2, 2004: Ord. 9 § 3, 1977)

Chapter 3.24

COMMUNITY DEVELOPMENT OF GOVERNMENT-OWNED PROPERTY*

Sections:

3.24.010 Scope.

3.24.020 Definitions.

3.24.030 Proposals for development.

3.24.035 Mandatory deposit fee.

3.24.040 Notice inviting proposals.

3.24.050 Public hearing.

3.24.060 Disposal of property.

3.24.070 Transfer of property.

3.24.080 State statutes superseded.

* Prior ordinance history: Ord. 65.

3.24.010 Scope.

The local government of Butte-Silver Bow may sell, lease or otherwise transfer real property or any interest therein acquired by it for the purpose of economic or community development, and may enter into contracts with respect thereto, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable for the furtherance of economic or community development within the community of Butte-Silver Bow. Such transfers shall be made in accordance with the provisions as set forth in Section 7-8-4201, MCA. (Ord. 511 § 2, 1995; Ord. 82 § 1, 1979)

3.24.020 Definitions.

The following definitions are provided for the sole purpose of proper interpretation and administration of this chapter:

- A. "Community development" means any development which is in conformance with or in furtherance of a currently approved community development and housing plan which has been developed in accordance with the requirements of the Federal Housing and Community Developments Act of 1977 or any successor acts which may call for a community development and housing plan or which is in conformance with or in furtherance of a currently approved urban renewal plan which has been developed in accordance with the requirements of the state of Montana Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated (MCA)) as may be from time to time amended.
- B. "Developer" means any bona fide private, or public, corporation, organization or individual who commits equity, equipment, labor and/or management talent to the conversion of improved or unimproved land from some former use to a new use including construction of new structures or improvements or rehabilitation or conversion of existing structures or improvements.
- C. "Developer's packet" means a specification drawn up by the government of Butte-Silver Bow delineating the government's requirements for submission of proposals. The developer's packet shall contain, as a minimum, the following information:
 - 1. A statement of the purposes and objective for the development of the subject parcel or parcels;
 - 2. A legal description of the property proposed for development including any covenants running with the property as well as any covenants proposed to be placed upon the property;
 - 3. The type of development or improvements, if any, which are unacceptable;
 - 4. Special requirements, if any, such as time of performance, duration of options, etc.;
 - 5. The management and maintenance services required to be provided by the owner, if

applicable;

6. Delineation of any federal, state or local laws and/or regulations with which the developer must comply;
7. A form to be completed by the proposed purchaser to show the developer, the project architect (if any), the management agent (if any), and the proposed owner; the qualifications and experience of each; and the names of officials, and principal members, shareholders and investors and other parties having substantial interest;
8. Any other information which the government deems pertinent to a particular development.

- D. "Economic development" means any development which is in conformance with or in furtherance of a currently approved overall economic development program (OEDP) which has been developed in accordance with the requirements of the Federal Public Works and Economic Development Act of 1965 and any successor act which may call for an overall economic development program.

(Ord. 82 § 2, 1979)

3.24.030 Proposals for development.

Objectives and minimum requirements for the submission of proposals for development of a particular parcel or parcels of real property shall be outlined and described in the developer's packet. In addition to any other requirements contained in the developer's packet, each proposal shall include the following:

- A. Location of the property including legal description and address of the building, if a structure exists;
- B. A description of the existing structure if one exists;
- C. A description of the proposed plan of construction or rehabilitation;
- D. A statement as to whether or not the services of a registered architect will be utilized; and
- E. The proposed method of financing.

(Ord. 82 § 3, 1979)

3.24.035 Mandatory deposit fee.

- A. A party interested in acquiring city-county property for purposes of community development must submit a written request to the council of commissioners requesting that the property be made available for project acquisition through the provisions of this chapter.
- B. A mandatory deposit fee of one hundred dollars must accompany the request.

C. If the party initiating the request is ultimately determined to have the superior proposal and is awarded the property, then the one hundred dollar deposit fee will be applied to the purchase price. If the party initiating the request is determined to have not submitted the superior proposal and the property is awarded to another party, then the one hundred dollar deposit will be refunded. If the proposal is not approved and no other requests or proposals are recommended, then the one hundred dollar deposit will not be refunded. (Ord. 590 § 1, 1997)

3.24.040 Notice inviting proposals.

Prior to the consideration of any proposals by public or private developers for the development of any real property owned by the government of Butte-Silver Bow for the purpose of economic or community development, a notice inviting proposals for the development of a particular parcel or parcels of real property shall first be published in a newspaper having general circulation within Butte-Silver Bow. Such notice inviting proposals shall be published at least once a week for three consecutive weeks and shall state that proposals for the development of a particular parcel or parcels of real property will be accepted until a date specified in the notice. The notice inviting proposals shall allow at least thirty days from the date of first publication for the submission of proposals. The notice inviting proposals shall state the purposes and objectives of the proposed development and where a developer's packet can be obtained. (Ord. 82 § 4, 1979)

3.24.050 Public hearing.

A public hearing shall be held at a regular meeting of the council of commissioners. Notice of the public hearing shall be published in a newspaper having general circulation within Butte-Silver Bow at least fifteen days prior to the date of hearing. Comments both for and against any of the proposals submitted shall be accepted at the public hearing, either orally or in writing. (Ord. 82 § 5, 1979)

3.24.060 Disposal of property.

Before any sale, lease, other transfer or any agreement relating thereto may be made, the council of commissioners shall first approve the proposal of the purchaser or lessee. The purchaser or lessee and their successors and assigns shall be obligated to devote such real property only to the uses as specified in the proposal and may be required to comply with such other requirements as the council may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property. Such real property or interest shall be sold, leased or otherwise transferred at not less than its fair value for uses in accordance with the purposes and objectives of the developer's packet. In determining the fair value of property for uses in accordance with the community development and housing plan, urban renewal plan or overall economic development plan, the local government shall take into account and give consideration to the uses provided in the proposal; the restrictions upon, and the covenants, conditions, and obligations to be assumed by the purchaser or lessee; and the purposes and objectives of such proposal for economic or community development. The instrument of transfer may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the written consent of the local government until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by the local government shall be transferred as rapidly as feasible, in the public interest consistent with the purpose and objectives contained in the developer's packet. The inclusion

in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions shall not prevent the recording of such contract or conveyance in the land records of the clerk and recorder in such manner as to afford actual or constructive notice thereof.

(Ord. 82 § 6, 1979)

3.24.070 Transfer of property.

After the conclusion of the public hearing referred to in Section 3.24.050, the local government shall consider all construction or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out. The local government may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the local government may execute, in accordance with the provisions of Section 3.24.060, and deliver contracts, deeds, leases and other instruments of transfer.

(Ord. 82 § 7, 1979)

3.24.080 State statutes superseded.

All state statutes in conflict with this chapter are superseded subject to those limitations imposed by the laws of the state of Montana upon self-power local governments.

(Ord. 82 § 8, 1979)

Chapter 3.28

SALE OF CITY AND COUNTY PROPERTY

Sections:

3.28.010 Authorization to sell county property.

3.28.020 Notice of sale and public auction required for certain sales.

3.28.030 Terms of sale.

3.28.040 Appraisal required for certain sales.

3.28.050 Procedure to challenge appraised value.

3.28.060 Sale of county property to school district.

3.28.070 Procedure for sale of property of lesser value.

3.28.080 Procedure if property not sold at public auction.

3.28.090 Exchange of local government land in case of failure to make sale.

3.28.100 Use of sale proceeds for construction or alteration of local government buildings.

3.28.110 Authorization to lease local government property.

3.28.120 Distribution of lease revenue.

3.28.130 Statutes superseded.

3.28.010 Authorization to sell county property.

A. The council of commissioners shall have the power to sell any real or personal property, however acquired, belonging to the local government of the city and county of Butte-Silver Bow, hereinafter called "local government" and which is not necessary to the conduct of the business of the local government or the preservation of its property.

B. Whenever the local government purchases equipment as provided in Ordinance No. 13, such equipment of the local government which is not necessary for the conduct of its business may be traded in as part of the purchase price after appraisal as provided in Section 3.28.040 or may be sold at public auction as

provided in Section 3.28.020.

C. The provisions of this chapter and this section shall not apply to sales of property made pursuant to Chapter 3.24.

(Ord. 511 § 3, 1995; Ord. 156 § 1, 1982)

3.28.020 Notice of sale and public auction required for certain sales.

Unless otherwise provided, if the real or personal property sought to be sold is reasonably of a value in excess of two thousand five hundred dollars, the sale shall be at public auction in the council chambers or at such place as the council shall designate after previous notice given by publication in a newspaper published within the county. The notice shall be published once a week for four successive weeks and posted in five places in the county.

(Ord. 286 § 1, 1987; Ord. 156 § 2, 1982)

3.28.030 Terms of sale.

A. The sale shall be for cash or on such terms as the council of commissioners may approve, provided at least twenty percent of the purchase price shall be paid in cash. All deferred payments on the purchase price of any property sold shall bear interest at the rate of six percent per year, payable annually and may be extended over a period of not more than five years.

B. No sale shall be made at public auction or to any school district without public auction for less than ninety percent of the appraised value.

C. No title to any property sold under the provisions of this chapter shall pass from the local government until the purchaser or his assigns shall have paid the full amount of the purchase price therefor to the treasurer for the use and benefit of the local government.

(Ord. 156 § 3, 1982)

3.28.040 Appraisal required for certain sales.

Unless otherwise provided:

A. In all sales of property of a value in excess of two thousand five hundred dollars, there must, before any sale, be an appraisal thereof by a person qualified by training and experience acting on behalf of the local government and at a price representing the fair market value of such property. Such appraised value shall be stated in the notice of sale.

B. No sale shall be made at public auction or to any school district without public auction of any property unless it has been appraised within three months prior to the date of the sale.

(Ord. 03-8 § 4, 2004; Ord. 286 § 2, 1987; Ord. 156 § 4, 1982)

3.28.050 Procedure to challenge appraised value.

A. Any taxpayer who may believe that such appraised value is less than the actual value of the

property may, at any time before the day fixed for the sale of such property, file with the council of commissioners written objections to such appraised value.

B. When any such objection is filed, it vacates the sale and the chief executive must at once appoint, and the council of commissioners must confirm, a certified, independent appraiser to have such property reappraised.

C. The appraisal of the certified independent appraiser appointed and confirmed under subsection B of this section must be made and filed with the clerk and recorder. The new appraisal or reappraisal shall be used in the next sale of such property.
(Ord. 156 § 5, 1982)

3.28.060 Sale of county property to school district.

A. The council of commissioners shall have the power to sell directly to any school district, without the necessity of a public auction, any real or personal property, however acquired, belonging to the local government and which is not necessary for the conduct of its business or the preservation of its property, for the appraised value, which shall represent the fair market value of such property.

B. If the property to be sold to a school district is reasonably of a value in excess of two thousand five hundred dollars, notice of the sale shall be given by publication in a newspaper in the county. The notice shall be published once a week for four successive weeks and posted in five public places in the county.
(Ord. 286 § 3, 1987: Ord. 156 § 6, 1982)

3.28.070 Procedure for sale of property of lesser value.

A. If the property to be sold is reasonably of a value of less than two thousand five hundred dollars, sale thereof may be had at either public or private sale, as in the discretion of the council of commissioners may appear to be in the best interests of the local government.

B. If it be at public sale, notice shall be given by posting in five public places in the county at least five days before the date of sale.
(Ord. 286 § 4, 1987: Ord. 156 § 7, 1982)

3.28.080 Procedure if property not sold at public auction.

If no acceptable bid or offer is made for any property offered for sale at public auction, after notice given as provided in Sections 3.28.020 and 3.28.040, the council of commissioners may, at any time thereafter, sell such property at private sale and may on such private sale accept as the purchase price therefor:

- A. In the case of real property and motor vehicles, an amount not less than ninety percent of the appraised value thereof; or
- B. In the case of all other classes of personal property, sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place, and terms must be commercially reasonable, in

accordance with the provisions of the Uniform Commercial Code as adopted and in effect within the state of Montana, and found in Title 30, Montana Code Annotated; to be paid on such terms and conditions as the council of commissioners in its discretion deems to be in the best interests of the local government.

(Ord. 156 § 8, 1982)

3.28.090 Exchange of local government land in case of failure to make sale.

If within one year no immediate sale be had of real estate attempted to be sold under the provisions of Sections 3.28.010 through 3.28.080, the council of commissioners may make trades or exchanges of such real estate owned by the local government for any other lands or real estate of equal value located within the county.

(Ord. 156 § 9, 1982)

3.28.100 Use of sale proceeds for construction or alteration of local government buildings.

The funds derived from the sale, in the discretion of the council of commissioners, may be credited to a construction reserve account and thereafter used for capital outlay for present or future construction or alteration or addition to any local government building, or for any other purpose which the council of commissioners deems to be in the best interests of the local government.

(Ord. 156 § 10, 1982)

3.28.110 Authorization to lease local government property.

The council of commissioners has jurisdiction and power to lease and demise local government property, however acquired, which is not necessary for the conduct of business of the local government or the preservation of its property and for which immediate sale cannot be had. Such lease shall be in such manner and on such terms as, in the judgment of the council of commissioners, shall seem best suited to advance the public benefit and welfare. The provisions of this chapter and this section shall not apply to property being leased pursuant to Chapter 3.24.

(Ord. 511 § 4, 1995; Ord. 156 § 11, 1982)

3.28.120 Distribution of lease revenue.

All revenue derived from leases authorized by Section 3.28.110 shall be paid to the treasurer. The treasurer shall distribute such revenue in such manner as the council of commissioners shall deem best suited to advance the public benefit and welfare.

(Ord. 156 § 12, 1982)

3.28.130 Statutes superseded.

All state statutes in conflict with this chapter are superseded in accordance with the provisions of Title 7, Chapter 1, Part 1 and Title 7, Chapter 5, Part 1, Montana Code Annotated (MCA).

(Ord. 156 § 13, 1982)

Chapter 3.32

TAX INCREMENT FINANCING INDUSTRIAL DISTRICTS PROGRAM

Sections:

3.32.010 Definitions.

3.32.020 Creation of an industrial development district.

3.32.030 Costs which may be paid from tax increments.

3.32.040 Contents of ordinance.

3.32.050 Term of the tax increment financing industrial district.

3.32.010 Definitions.

The following terms wherever used or referred to in this chapter and Chapter 2.84 of this code shall have the following meanings unless a different meaning is clearly indicated by the context:

- A. A "tax increment financing industrial district" means a district designated as such by the council in accordance with the provisions of this chapter, consisting of a continuous area within an accurately described boundary, zoned for light or heavy industrial use in accordance with the Butte-Silver Bow master plan, and is found to be deficient in infrastructure improvements for industrial development.
- B. "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.
- C. "Base taxable value" means the actual taxable value of all taxable property within a tax increment financing industrial district prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in 7-15-4287 or 7-15-4293 MCA.
- D. "Board" means the tax increment financing industrial district board created by Chapter 2.84 of this code.
- E. "Incremental taxable value" means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a tax increment financing industrial district.
- F. "Tax increment" means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies in which the tax increment financing industrial district or a part thereof is located, against the incremental taxable value.
- G. "Taxes" means all taxes levied by a taxing body against property on an ad valorem basis.
- H. "Industrial district" means a tax increment financing industrial district.
- I. "Industrial infrastructure development project" means a project undertaken within or for an industrial district that consists of any or all of the activities authorized by Section 7-15-4288, MCA.

(Ord. 365 § 1, 1989)

3.32.020 Creation of an industrial development district.

A. The council may, from time to time, create by ordinance a tax increment financing industrial district with a tax increment financing plan following a public hearing of the proposed district. In order for land to be included in the proposed district, it must:

1. Consist of a continuous area with an accurately described boundary, exclusive of streets and alleys;
2. Not be contained within the boundaries of another industrial district or an urban renewal district with a tax increment provision;
3. Be zoned for light or heavy industrial use in accordance with the Butte-Silver Bow master plan;
4. Be determined to be deficient in infrastructure improvements for industrial development.

B. The industrial district must have as its purpose the development of infrastructure to encourage the growth and retention of secondary, value-added industries.

C. Notice of the public hearing on the creation of the proposed industrial district shall be given in accordance with the provisions of Section 7-15-4215, MCA.
(Ord. 365 § 2, 1989)

3.32.030 Costs which may be paid from tax increments.

The tax increment received from an industrial district may be used to pay for any costs incurred for an industrial infrastructure development project (in that district) as defined in Section 7-15-4288, MCA. The tax increments received may be pledged for the payment of the principal of, premiums, if any, and interest on bonds which the city-county may issue for the purpose of providing funds to pay for infrastructure development projects pursuant to Section 7-15-4290, MCA.
(Ord. 365 § 3, 1989)

3.32.040 Contents of ordinance.

Each ordinance creating a tax increment financing industrial district shall:

- A. Designate each tax increment financing industrial district by number;
- B. Set forth a legal description of and map showing the boundaries of the industrial district;
- C. Include a plan that describes the tax increment industrial development project and contains provisions for undertaking and implementing the project; and
- D. Establish the base year for the calculation of tax increment within the industrial district.

(Ord. 365 § 4, 1989)

3.32.050 Term of the tax increment financing industrial district.

- A. Tax increment financing industrial districts will terminate upon the latter of:
1. The fifteenth year following the creation of the industrial district; or
 2. The payment or provision for payment in full or discharge of all bonds for which the tax increment has been pledged and the interest thereon.

B. After termination of the tax increment financing provision, all taxes shall be levied upon the actual taxable value of the taxable property in the industrial district and shall be paid into funds of the taxing bodies levying taxes within the industrial district.

(Ord. 512 § 1, 1995; Ord. 365 § 5, 1989)

Chapter 3.36

REAL PROPERTY DONATION ACCEPTANCE PROCEDURES

Sections:

3.36.010 Format for review and comment.

3.36.020 Acceptance--Vote.

3.36.030 Confirmation of acceptance by resolution.

3.36.040 Indication of acceptance on document of conveyance.

3.36.050 Acceptance of ownership required for recordation.

3.36.010 Format for review and comment.

A format shall be developed for review and comment by various local government officials when a request is submitted to the council to donate real property to the city-county.

(Ord. 407 § 1, 1991)

3.36.020 Acceptance--Vote.

After submittal of the completed property donation review form to the council, the council shall vote on the question of acceptance of the real property.

(Ord. 407 § 2, 1991)

3.36.030 Confirmation of acceptance by resolution.

No acceptance of real property shall be effective until confirmed by the passage of an appropriate resolution by the council.

(Ord. 407 § 3, 1991)

3.36.040 Indication of acceptance on document of conveyance.

When the council has voted to accept the real property, such acceptance shall be indicated on the document of conveyance and consent to the donation shall be confirmed by the signature of the chief executive.

(Ord. 407 § 4, 1991)

3.36.050 Acceptance of ownership required for recordation.

No document of conveyance (deed) transferring ownership of real property to the city-county may be recorded in the land records of Butte-Silver Bow unless acceptance of such ownership by the chief executive is shown on the document.

(Ord. 407 § 5, 1991)

Chapter 3.38

PERS CONTRIBUTIONS

Sections:

3.38.010 Nonpayment of retroactive PERS claims.

3.38.010 Nonpayment of retroactive PERS claims.

A policy of nonpayment of all retroactive claims for employer contributions to the Montana Public Employees Retirement System (PERS) for all employees and former employees of the city and county of Butte-Silver Bow, Montana and its predecessors is adopted.

(Ord. 595 § 1, 1997)

Chapter 3.40

INVESTMENT POLICY

Sections:

3.40.010 Delegation of authority.

3.40.020 Investment.

3.40.030 Redemptions.

3.40.040 Administrative procedures.

3.40.050 Reporting.

3.40.060 Deposits.

3.40.010 Delegation of authority.

Pursuant to 7-6-201(2), Montana Code Annotated, the authority to invest and reinvest money of the city and county of Butte-Silver Bow, state of Montana, to sell or exchange securities so purchased, and to deposit such securities for safekeeping is delegated to the budget administrator.

(Ord. 440 § 1, 1993)

3.40.020 Investment.

The budget administrator is authorized to purchase, at their original sale or after they have been issued, securities which are permissible investments under Title 7, Chapter 6, Part 2 of the Montana Code Annotated, as they now read or may hereafter be amended, from money of the city and county of Butte-Silver Bow, state of Montana, which is not required for immediate necessities as deemed wise and expedient, and to sell or exchange for other eligible securities and reinvest to proceeds so purchased.

(Ord. 440 § 2, 1993)

3.40.030 Redemptions.

From time to time the budget administrator shall redeem the securities in which city and county money has been invested pursuant to Section 3.40.020 of this chapter so that the proceeds may be applied to the purposes for which the original purchase money was designated or placed in the city and county's treasury. (Ord. 440 § 3, 1993)

3.40.040 Administrative procedures.

All investment transactions (purchases and sales) shall be recorded in a manner consistent with the detailed policies provided for in the city and county of Butte-Silver Bow investment policy. The budget administrator shall prepare and maintain these policies and procedures as they relate to investment. Alterations of this chapter shall be amended as necessary through the office of budget administration and approved by city and county of Butte-Silver Bow budget and finance committee. (Ord. 440 § 4, 1993)

3.40.050 Reporting.

The budget administrator shall make a quarterly report of all such investments to the council of commissioners. Within thirty days of the end of the fiscal year, the budget administrator shall present a comprehensive annual report on the investment activity for the current year ended. (Ord. 440 § 5, 1993)

3.40.060 Deposits.

The budget administrator is authorized to deposit for safekeeping with any solvent bank, building and loan association, savings and loan association or credit union located within the city and county of Butte-Silver Bow, the securities in which the city and county's money has been invested pursuant to this chapter; provided, however, that the city and county shall take from any of the above-named institutions a receipt for the securities so deposited and shall not be responsible for such securities delivered to and receipted for by such institution until they are withdrawn therefrom by the budget administrator. (Ord. 440 § 6, 1993)

Chapter 3.42

REPORTING OF LARGE CASH TRANSACTIONS

Sections:

3.42.010 Reporting of large cash transactions.

3.42.010 Reporting of large cash transactions.

The city and county of Butte-Silver Bow adopts as policy the reporting requirements of the United States Internal Revenue Code, which reporting shall be made by the head of the department or office receiving more than ten thousand dollars in cash in one or more related transactions. (Ord. 99-11 § 1, 1999)