

Title 3

REVENUE AND FINANCE

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- 3.04 Fiscal Provisions in General**
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Chapter 3.04

FISCAL PROVISIONS IN GENERAL

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- 3.04.030** **Annual financial statement required.**
- 3.04.040** **Inactive accounts transferred to general fund.**
- 3.04.050** **Transfer of funds prohibited.**

3.04.010 **Fiscal year.**

The fiscal year of the city commences on the first day of July of each year and ends on the last day of June of each year. (Prior code § 3.04.010)

3.04.020 **Power to contract indebtedness.**

The city council has power to contract an indebtedness on behalf of the city, upon the credit thereof, by borrowing money or issuing bonds for the purposes and to the extent specified by the Constitution and the laws of the state of Montana. (Prior code § 3.04.020)

3.04.030 **Annual financial statement required.**

A. Within six months after the close of each fiscal year the city clerk-treasurer must make out, in duplicate, a complete statement of the financial condition of the city for that fiscal year, showing:

1. The indebtedness of the city, 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 from it being shown separately;

6. 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;

7. A concise description of all property owned by the city with an approximate estimate of the value of it;

8. The rates of taxation and purposes for which taxes were levied during the fiscal year;

9. Other information which may be required by the department of commerce.

B. The forms on which the statement shall be made shall be prescribed by the department of commerce.

C. The city clerk-treasurer must, within one hundred twenty days 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 city council.

D. If the city clerk-treasurer fails to file a copy of the statement with the department of commerce within the time specified, the department without delay, shall examine the books, records, and accounts of the city. The department shall make from its examination a

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statement of the financial condition of the city for the preceding fiscal year in the manner it should have been made by the city clerk-treasurer. The examination shall be considered a special examination. (Ord. 02-15, 2002; Ord. 97-2 § 4 (part), 1997; Ord. 1003, 1991; prior code § 3.04.030)

**3.04.040 Inactive accounts
transferred to general fund.**

Whenever the council of the city shall deem it necessary to remove inactive accounts from its records where the accounts shall not have any further purpose, it is lawful for the council to direct the proper city officials to file claims against the respective inactive funds in favor of the general fund of the city, 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. (Prior code § 3.04.040)

**3.04.050 Transfer of funds
prohibited.**

No money must be transferred from one city fund to another, except by ordinance or resolution of the council. (Prior code § 3.04.050)

Chapter 3.08

CITY CONTRACTS

Sections:

- 3.08.010** **Awarding contracts—
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- 3.08.020** **Advertisement for bids—
Requirements.**
- 3.08.030** **Provisions not to apply in
emergency.**
- 3.08.040** **Bid evaluation process.**
- 3.08.050** **Contract preparation.**
- 3.08.060** **Contractor's bond
required.**

3.08.010 **Awarding contracts— Bidding process required.**

A. All contracts of the city 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 in excess of fifty thousand dollars or for construction, repair or maintenance in excess of fifty thousand dollars must be let out to the lowest responsible bidder after advertisement for bids.

B. The council shall not let any contract extending over a period of five years or more without first submitting the question to a vote of the electors of the city. (Ord. 05-16 (part), 2005; Ord. 02-16, 2002; Ord. 1084, 1994; prior code § 3.08.010)

3.08.020 **Advertisement for bids— Requirements.**

Advertisements required by Section 3.08.010 shall be made in the official newspaper of the city, if there be such official newspaper and, if not, it shall be made in the daily newspaper of general circulation published in

the city, if there be such, otherwise by posting in three of the most public places in the city. 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. (Prior code § 3.08.020)

3.08.030 **Provisions not to apply in emergency.**

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. (Prior code § 3.08.030)

3.08.040 **Bid evaluation process.**

A. If requested by the city council, the bids shall be opened by the city clerk-treasurer in the presence of the council while the council is in actual session at a regular, adjourned, or special meeting. If not requested by the city council, then the city clerk-treasurer shall open the bids at the date and time specified in the advertisement. After the bids shall have been opened, the contract shall be let or

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awarded by the council, at the next regularly scheduled or special council meeting.

B. 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 readvertise. (Ord. 05-16 (part), 2005; Ord. 97-2 § 4 (part), 1997; prior code § 3.08.040)

3.08.050 Contract preparation.

Upon receiving the statement of the awarding of a contract, it shall be the duty of the city attorney to prepare or review and approve a contract and bond in accordance with the statement. All contracts shall be executed on the part of the city by the mayor and attested by the city clerk-treasurer, and together with the bond therefor shall be filed with the city clerk-treasurer. (Ord. 05-16 (part), 2005; Ord. 97-2 § 4 (part), 1997; prior code § 3.08.050)

3.08.060 Contractor's bond required.

A. Whenever the council shall contract with any person or corporation to do any work for the city, 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 acceptable to the council, or with a licensed 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 materialmen, and all persons who shall supply such corporation, person or persons, or subcontractors with provisions, provender, material or supplies for the carrying on of such work. A copy of such bond shall be filed with the city clerk-treasurer.

B. Notwithstanding the provisions of subsection A of this section, the council may, in

lieu of a surety bond, permit the deposit with the contracting governmental entity or agency the following securities in an amount at least equal to the contract sum to guarantee the faithful performance of the contract and the payment of all laborers, suppliers, materialmen, mechanics, and subcontractors:

1. Lawful money of the United States; or
2. A cashier's check, certified check, bank money order, or bank draft drawn or issued by any banking corporation incorporated under the laws of the state of Montana or by a national banking association located in Montana; or
3. Certificates of deposit or money market certificates issued by any bank or savings and loan association licensed to do business in Montana. (Ord. 97-2 § 4 (part), 1997; prior code § 3.08.060)

Chapter 3.12

UNCLAIMED PERSONAL PROPERTY

Sections:

- 3.12.010** Disposal requirements.
- 3.12.020** Sale of unclaimed property—Requirements.
- 3.12.030** Account of property sold required.
- 3.12.040** Disposition of proceeds from sale.
- 3.12.050** Disposal to charity when.
- 3.12.060** Fees for city storage of motor vehicles.

3.12.010 Disposal requirements.

Any article of personal property acquired by the police department in the course of its law enforcement activities shall be held by the department for thirty days, unless claimed by the owner sooner. If unclaimed at the end of that time, the property may be sold by the chief of police at public auction, for cash to the highest bidder, or may be disposed of as provided in Section 3.12.050. (Prior code § 2.20.070)

3.12.020 Sale of unclaimed property—Requirements.

The chief of police shall give notice of the time and place of the sale of unclaimed personal property by publishing a notice thereof in a newspaper of general circulation published within the city or, if none exists therein, in a newspaper of general circulation in the county. The announcement shall be placed in one regular issue of the paper. If any of the property to be sold is of

the value of one hundred dollars or more, the notice shall contain a general description of such property with the name of the owner thereof, if known. (Prior code § 2.20.080)

3.12.030 Account of property sold required.

The chief of police shall make a list, in duplicate, of the property sold under the authority of Section 3.12.010, giving, as far as possible, a general description of each piece of property sold and the name of the owner thereof, if known, and the amount of money derived from the sale thereof. One copy of the list shall be retained by the chief of police and the other delivered to the city clerk-treasurer. (Ord. 97-2 § 4 (part), 1997; prior code § 2.20.090)

3.12.040 Disposition of proceeds from sale.

All moneys derived from sales of unclaimed personal property shall be paid to the city clerk-treasurer and by him placed in the general fund of the city. (Ord. 97-2 § 4 (part), 1997; prior code § 2.20.100)

3.12.050 Disposal to charity when.

When any unclaimed article of personal property is of a value less than fifty dollars, the chief of police, in his discretion, may authorize it to be destroyed or given to any organization which will use such property for public or charitable purposes. For all such property given away, the chief of police shall take receipt therefor. He shall file with the city clerk-treasurer a list of all property destroyed or given away, showing the estimated value of each article. (Ord. 97-2 § 4 (part), 1997; prior code § 2.20.110)

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3.12.060 Fees for city storage of motor vehicles.

A. Any motor vehicle acquired by the police department in the course of its law enforcement activities and stored by the city shall be subject to a daily storage fee. The city council shall establish the fee by resolution, and it may increase or decrease the fee from time to time by further resolution, as the council may deem appropriate.

B. Any motor vehicle acquired by the police department in the course of its law enforcement activities shall be held by the department for the period prescribed by law, unless claimed by the owner sooner. If claimed, the owner shall be liable to pay the city the full amount of all storage fees established under this section. If unclaimed, the property shall be sold as provided by law and the net proceeds applied to the storage fees; or, in the event the motor vehicle has no salable value, then the chief of police shall dispose of it in accordance with law. (Ord. 1082, 1993)