

A G E N D A R E P O R T

DATE September 21, 2004

ITEM Res. #9425, Authorizing the City Commission to Exercise Powers of a Port Authority.

INITIATED BY John Lawton, City Manager.

ACTION REQUESTED Approve Res. #9425.

PRESENTED BY John Lawton, City Manager.

RECOMMENDATION:

It is recommended the City Commission approve Res. #9425 allowing the City Commission to exercise any and all of the powers granted to the Port Authority.

MOTION:

I move the City Commission approve Res. #9425 authorizing the City Commission to exercise any and all powers of the Port Authority and reaffirming Res. #8841 except the repeal of any reference to Port Authority Commissioners contained therein.

SYNOPSIS:

Pursuant to 7-14-1101 (1) MCA, the City Commission may determine to exercise any and all of the powers granted to a Port Authority. Res. #9425 authorizes Port Authority powers in the City Commission.

Port Authorities have the ability to buy, sell, and lease land; develop commercial and industrial parks; and engage in other economic development activities. It may be necessary to exercise these economic development powers in conjunction with and on behalf of the Great Falls Development Authority.

A separate agreement will be necessary between the Development Authority and the City Commission to appoint GFDA as the administration and management agent for the Port Authority. GFDA will staff the Port Authority and will be financially responsible for its activities.

BACKGROUND:

On November 19, 1996, the City Commission passed Res. #8841 thereby establishing a Port Authority for the purpose of stimulating commerce, developing employment opportunities and increasing taxable valuations in Great Falls. However, the appointment of Port Authority Commissioners has lapsed from and after July 1, 2003. Therefore, it is deemed most expedient for the City Commission to assume any and all of the powers granted to such Port Authority pursuant to 7-14-1101 (1) MCA to provide an immediate and continuing governing body to exercise such functions. Res. #8841 which provided for Port Authority

Commissioners must be repealed, in part, to eliminate all reference to such Port Authority Commissioners and direct the Great Falls City Commission to exercise any and all powers granted to Port Authorities by 7-14-1101, et seq. MCA.

DRAFT

A D M I N I S T R A T I V E

A G R E E M E N T

This Administrative Agreement (Agreement) is made and entered into this _____ day of _____, 2004, by and between the Great Falls City Commission (Commission) and the Great Falls Development Authority, Inc. (Development Authority).

WITNESSETH:

WHEREAS, pursuant to 7-14-1101 (1), MCA, the Commission has determined to exercise any and all powers granted to Port Authorities for the purpose of stimulating commerce, developing employment opportunities and increasing the taxable valuations in Great Falls; and,

WHEREAS, The Commission deems necessary the retention of administrative, management and consulting services to assist in the exercise of such Port Authority powers; and,

WHEREAS, the Development Authority has been incorporated for the sole purpose of promoting and developing industrial and economic development in Cascade County and is therefore able and prepared to provide such administrative, management and consulting services to the Commission:

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth below, the sufficiency of which is knowledge and confirmed by each undersigned party, this Agreement is entered into by the undersigned parties as follows:

1) The Development Authority does hereby agree to provide administrative, management and consulting services to assist the Commission in the exercise of its Port Authority Powers pursuant to 7-14-1101, et. seq., MCA.

2) This Agreement shall continue in existence unless the same shall be terminated by either party upon 30 days written notice. Such termination notice shall be mailed to all parties to this Agreement.

- 3) The Development Authority expressly agrees to indemnify and save the City of Great Falls harmless from any and all civil or administrative liability arising out of the performance of this Agreement.
- 4) No assignment or transfer of any right accruing under this Agreement is permissible unless first agreed upon in a written modification signed by all parties.
- 5) This Agreement will inure to the parties hereto and their respective successors and assigns and shall constitute the entire Agreement between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year above written.

CITY OF GREAT FALLS

John Lawton, City Manager

GREAT FALLS DEVELOPMENT AUTHORITY, INC.

President

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

Approved as to Legal Content: City Attorney