



Item: Resolution No. 9876, Authorizing the Removal of Electric City Power Directors in Accordance with Montana Code Annotated (MCA), the Official Code of the City of Great Falls (OCCGF), and the By Laws of Electric City Power, Inc (Electric City Power); and Authorizing Initiation of the Process of Notification of the Removal and Subsequent Appointment of Members of the City Commission to Fill the Vacated Positions

From: Coleen Balzarini, Fiscal Services Director and James Santoro, City Attorney

Initiated By: Request of the City Commission

Presented By: Coleen Balzarini, Fiscal Services Director and James Santoro, City Attorney

Action Requested: Removal and Replacement of Electric City Power Board Members

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9876 authorizing the removal and replacement of Electric City Power Directors in accordance with Montana Code Annotated, Official Code of the City of Great Falls, and the Articles and By-Laws of Electric City Power, Inc”.

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

***SPECIAL NOTE: OCCGF 5.20.120.A requires a vote of four-fifths of the Commission to remove a Director of Electric City Power**

Background:

Purpose: The City Commission has directed Staff to prepare necessary documents to remove the Electric City Power Directors, previously appointed by the Commission, and replace the Directors with Members of the City Commission.

Work Scope: OCCGF 5.20.120.A requires a vote of four-fifths of the Commission. MCA 35.2.422(2), provides guidance in regards to notifications of the Commission action taken to remove Directors to be delivered to each Director and Electric City Power’s Secretary. MCA

35.2.422(2) also provides guidance regarding notifications from Electric City Power back to the Commission requesting appointment of Directors to fill the vacated positions.

Proposed timing of Action Steps:

March 1, 2010	Electric City Power Board conducts March Board meeting per Agenda <ul style="list-style-type: none">- Recommendations to Commission regarding B&M report- Set April Board Meeting date of April 5, 2010
March 2, 2010	City Commission considers Resolution to Remove and Replace Directors
March 3, 2010	Upon adoption, Notice mailed to Directors and Secretary
Within 10 days	Secretary notifies & requests Commission to replace Directors
March 16, 2010	Commission appoints Directors
April 5, 2010	Electric City Power Board meeting convened <ul style="list-style-type: none">- Officers elected by Directors- Consider other matters placed on Agenda
April 15, 2010	Corporate Report Filing submitted to Secretary of State

Fiscal Impact: There is no reduction, or increase, in fiscal obligations for the City or Electric City Power due to the proposed removal and replacement of Electric City Power Directors.

Attachments/Exhibits:

- Resolution No. 9876
- MCA 35-2-422(2), Removal of designated or appointed directors
- Ord 2925, Codified as OCCGF Title 5, Chapter 20
- Res 9529, Electric City Power Articles of Incorporation (Original on File w/City Clerk)
- Res 9530, Electric City Power By-Laws (Original on File w/City Clerk)