

MINUTES OF THE MEETING OF THE BOARD OF ETHICS

October 9, 2019

BOZEMAN, MT

The Board of Ethics of the City of Bozeman met in the Gallatin Room, City Hall at 121 N. Rouse at [Click here to enter text.](#)

Present were Board Members Melissa Frost, Carson Taylor and Sara Rushing Staff Andrea Surratt, Greg Sullivan and Julie Hunter

1. MEETING CALLED TO ORDER

Chairperson Melissa Frost called the meeting to order at 4:21pm

2. CHANGES TO THE AGENDA

None

3. PUBLIC COMMENT

None

4. APPROVAL OF MINUTES

Carson Taylor moved to approve the minutes from 8-28-19

Seconded by Melissa Frost

Aye votes 2

Nay votes 0

The motion Carries

5. ACTION ITEMS

A. Disclosure of Information or comments received

None

B. City Attorney's Update (Sullivan) Greg Sullivan had a question from an employee regarding an opportunity to go on an overseas trip funded by ICMA and asked if they could take the trip or would it be considered a gift. Under the gift statute it is clear an employee may accept this since they will be representing the City on City business. He advised the employee could attend.

C. Review Onboarding ethics training, and discuss potential changes and working with LGC to implement changes (staff requests continuance to allow HR to participate) Edit

Ch. 1 question to say the City "has" an ethics handbook. Edit Ch. 2 question: "Under MT state law it is acceptable to receive a gift if the gift is then given to charity". The question is not in the study materials. Carson suggested to either cut the question out or move it to Ch. 4 where MT code could be quoted. Regarding Ch. 2 question, "The following gifts are exempt from the state ethics laws", strike "educational activity" answer. Question in Ch. 3, "For a period of 12 months..." Change the wording to "may not make any formal appearance". Carson moved we make the changes and report back that it is done. Seconded by Sara. Motion carried unanimously.

- D. Discuss BOE role in annual presentation of ethics report to City Commission (Staff requests Board write summary letter for report)** The annual report has historically been prepared by city staff, placed on the consent agenda and presented to the City Commission. It would be interesting and well received to have a letter at the front of the report from the BOE highlighting your work as a group this year. Your role in the presentation can be anything you would like it to be. Things to include in the report would be the edits in onboarding, the meeting concerning the Koopman case, and perhaps other items yet to come. Board wants to see the report ahead of the meeting and have Chairman write letter to accompany. Board chose to form a subcommittee and have a meeting for the purpose of drafting a letter to accompany the annual report. Meeting would have to be noticed and Julie can attend and take minutes. Subcommittee meeting was scheduled for November 20 at 8:30am. Board agreed to cancel November 6 meeting. Melissa raised the idea of writing an op-ed for the Chronicle and presenting to the City Commission the history of the Board of Ethics over the past 10 years. She will prepare a draft to be reviewed at the Nov. 20 meeting. This does not have to be presented at the same time as the annual report. Greg asked to have IT create an individual drop-down on the city website for the Board of Ethics page.
- E. Discussion of annual report** no discussion necessary, already covered
- F. Planning for debriefing the 2019 staff and board ethics trainings** Board will hold off until everyone has attended training. Could be an early 2020 meeting or at next meeting.
- G. Discussion of gifts: Employee Wellness Program and Union Benefits (Sullivan)** (link brief provided by Greg) Introducing the Board of Ethics to two issues to tell you how they came about and Greg's initial thoughts. For the first item, a review of how the City has been handling them and some ways to clarify in the code that these are either not gifts or that they are okay depending on the circumstances. Discussion will cover how the first issue is handled by Federal law and then describe his discussion with the Commissioner on Political Practices about how it is handled at the State level. Keep in mind the prohibition in the charter regarding the use of public office for private gains. That drives everything as well as the provision in the Code itself. We have a program where discounted services are offered to employees, including discounted ski tickets, Ridge membership, Dell computers, etc. Those are formal, adopted city benefits made available to all employees on an equal basis. They are not gifts no matter the dollar value because they are part of the benefits package. We have had questions from first responders about local discounts on vehicle purchases. Are they being offered discount because of employment or profession? We have taken the position they should not accept the discount because it is not part of the benefits package, and not available to all employees. This keeps coming up, so Greg suggests BOE think about what a good policy/standard of conduct would be. Is there a way to create a standard of conduct for it? How does it fit within the broader principles of the Charter statement and the declaration of policy that is already in the Code? Federal law says an employee may accept opportunities and benefits including favorable rates, commercial discounts and free attendance to events if it is unrelated to government employment. Do you think it's appropriate to make an adjustment to Code? BOE can issue an opinion. The second

issue is the Union Benefits question. Some City employees have to join a union as a part of employment. They may have certifications that stand whether they are a City employee or not. Commissioner of Political Practices Mengen said Union benefits are not considered improper gifts. These issues come up every year in ethics training. Board is asked to also consider this issue and we can discuss any potential changes to Code, etc. in 2020. Greg will email the Board the Federal Rules on gifts.

6. FYI/DISCUSSION

We are cancelling Nov. 6 meeting and will plan for meeting in 2020

7. New Business

None

8. Adjourn

Chairperson Melissa Frost adjourned at 5:37pm

DRAFT