



## Commission Memorandum

**REPORT TO:** Honorable Mayor and City Commission

**FROM:** City of Bozeman Board of Ethics

**SUBJECT:** Report of the City of Bozeman Board of Ethics outlining accomplishments of 2019; summary of decisions or opinions; recommendations for 2020; and highlights of the first 10 years of the Board of Ethics (2009 – 2019).

**MEETING DATE:** December 16, 2019

**AGENDA ITEM TYPE:** Consent

**RECOMMENDATION:** Acknowledge the 2019 City of Bozeman Ethics Report

The City of Bozeman Charter (2006) established the creation of an independent ethics board to address such issues as standards of conduct, conflicts of interest, conduct related to gifts, prohibition of the use of public office for private gain, and use of confidential information as relates to the operations of the City of Bozeman through its employees, board members, and elected officials. The Charter states that officials, board members, and employees shall take an oath to uphold both the state and city ethics codes.

The City of Bozeman Ethics Program fulfills segments of the High Performance Organization section of the Strategic Plan:

- **7.1 Values Driven Culture:** Promotes a values-driven organizational culture that reinforces ethical behavior, exercises transparency and maintains the community's trust.
- **7.2 Employee Excellence:** Recruit, retain and value a diverse, well-trained, qualified and motivated team capable of delivering superior performance. Be accountable and expect accountability from others.
- **7.3 Best Practices, Creativity & Foresight:** Utilize best practices, innovative approaches, and constantly anticipate new directions and changes relevant to the governance of the City. Be also adaptable and flexible with an outward focus on the customer and an external understanding of the issues as others may see them.

Pursuant to the Charter and Code of Ethics, the Board of Ethics is required to make an annual summary of its decisions and opinions and provide recommendations "...regarding the city's policies and practices which the board believes would or could enhance the ethical environment

in which public servants work.” The following memo accompanies the 2019 annual report and outlines the Board of Ethics’ accomplishments, decisions and opinions, as well as recommendations for 2020. In addition, given that we have arrived at the 10<sup>th</sup> anniversary of the formation of the Board of Ethics, we would like to highlight some of the Board’s activities and accomplishments in these first 10 years.

### **2019 Accomplishments and Summary of Decisions and Opinions**

- Worked collaboratively with city staff to arrange for required annual ethics training for all city employees, board members, and elected officials. Emphasis was placed on making the trainings relevant by developing hypothetical scenarios related to the ethics issues that might arise specifically for employees, board members, and elected officials. Of the 412 employees eligible for training in 2019, 410 were trained with the remaining 2 excused for military deployment and police academy training absences. Of the 160 eligible board members, 153 were trained including 5 elected officials. Ethics board members attended trainings with the Bozeman Area Bike Advisory Board and Library Board.
- In collaboration with city staff, continued to provide required on-boarding ethics trainings via an online platform developed by the MSU Extension Local Government Center. These trainings function to orient all new city employees, board members, and elected officials to the Code of Ethics, Ethics Handbook, and available resources related to ethics.
- Initiated a review of the on-boarding ethics training, which has not been revised since it was developed in 2011.
- Said goodbye to long-time Ethics Board member Mary Jane McGarity and welcomed new board member Sara Rushing.
- With the support of outside counsel Ms. Jordan Crosby, held two public meetings to review and address a written complaint filed by Mr. Roger Koopman alleging ethics violations by the City of Bozeman, elected officials, and public employees (Note: during the entirety of this process, Ethics Board member Carson Taylor recused himself due to a conflict of interest). The board produced preliminary and supplemental written analyses, as well as findings and conclusions regarding Mr. Koopman’s complaint, ultimately determining that his complaint failed to allege facts sufficient to constitute a violation of either state or city ethics codes.
- City Attorney Greg Sullivan continued to respond informally and formally to queries about ethics from city employees, board members, and elected officials with the majority of inquiries related to gifts, conflicts of interest, and what does and does not fall within the purview of the Code of Ethics. On August 2, 2019, the City Attorney issued Ethics Opinion 2019-01 regarding rules related to a prospective private business of an employee. This opinion is available on the Ethics webpage under the link for City Attorney Formal Ethics Opinions and through the City’s online document center.

### **Recommendations for 2020**

Looking ahead to 2020, the Board of Ethics recommends the following be addressed:

- Review the results of the 2019 ethics trainings with city staff to inform development of the 2020 ethics trainings.

- Hold a mock ethics hearing to inform and prepare board members to respond to potential future ethics complaints.
- Draft an op-ed for the *Bozeman Daily Chronicle* highlighting the 10<sup>th</sup> anniversary of the convening of the Board of Ethics to inform the community about the accomplishments of the city's ethics program.
- Complete the review of the on-boarding ethics training, and work with city staff and MSU Extension Local Government Center on potential updates to this training.
- Continue to review and refine the gifts provision in the Code of Ethics in response to inquiries from city employees, board members, and elected officials.
- Review the findings and recommendations of Dr. Betsy Johnston's (formerly Webb) quantitative (2011) and qualitative (2012) studies of the City of Bozeman's ethics program and ethical culture/environment, and determine possible next steps with regard to implementing her recommendations and continuing to strengthen the ethical culture in the City of Bozeman.

### **Highlights of Board of Ethics Activity and Accomplishments 2009 – 2019**

The first City of Bozeman Board of Ethics convened in July 2009. The following is a list of activities and accomplishments by the Board in the 10 years since that time. It should be made abundantly clear that the Board of Ethics could not have accomplished the following without the exceptional support of staff from the offices of the City Manager, City Attorney, City Clerk, and other departments, as well as the MSU Extension Local Government Center.

- Completed a full review of the Code of Ethics and identified areas requiring clarification and revision.
- Proposed substantive revisions to various sections of the Code of Ethics, including conflicts of interest, conduct related to gifts, post-employment activities, whistle-blowing and retaliation, procedures related to disclosure of financial interests, and non-compliance with ethics training requirements.
- Created an Ethics Handbook for employees, board members, elected officials, and citizens.
- Created an Ethics webpage on the City of Bozeman website.
- Conducted annual ethics trainings via online and in-person formats.
- Conducted a mock ethics hearing in 2011.
- Followed the procedures outlined in the Code of Ethics and responded to the City's first formal ethics complaint, and issued findings and conclusions dismissing the complaint.

Based on the findings of Dr. Johnston's research, the nature of discussions at annual ethics trainings, and questions about ethics submitted to the City Attorney and others, we see ample evidence to support the continuing increase in awareness of ethics, growth of a strong ethical culture, and expanding leadership around ethics in the City of Bozeman.

Bozeman is unique among municipalities in the State of Montana in a number of ways with regard to ethics. Specifically, the city has a separate Code of Ethics (in addition to the state code), has an independent Board of Ethics, conducts orientation and annual ethics trainings, and provides employees, board members, elected officials, and citizens with access to information and resources about ethics, specific contacts for asking questions, and a clearly outlined process

for filing complaints. The foundation and structure for a strong ethical culture is in place, and it is incumbent upon all of us to continue to foster an environment in which ethics and ethical behavior are primary shared values, and ethical dilemmas (which are most often gray, and rarely black and white) can be discussed and explored routinely, openly, and transparently without fear of reprisal.

*Attachments: 2019 City of Bozeman Ethics Report and Curriculum*

# City of Bozeman Board of Ethics Report 2019

December 2019

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# Board of Ethics Summary

## **Current Board Members:**

Melissa Frost - Chair                      Appointed August, 2019                      Term expires July, 2021  
[mfrost@bozeman.net](mailto:mfrost@bozeman.net)

Carson Taylor                                      Appointed September, 2018                      Term expires July, 2020  
[ctaylor@bozeman.net](mailto:ctaylor@bozeman.net)

Sara Rushing                                      Appointed August, 2019                      Term expires July, 2021  
[srushing@bozeman.net](mailto:srushing@bozeman.net)

## **Support Staff:**

Julie Hunter – Executive Assistant                      Administrative and Recording Services  
[jhunter@bozeman.net](mailto:jhunter@bozeman.net)

Brenda Sweeney – Deputy City Clerk                      Administrative and Recording Services  
[dsweeney@bozeman.net](mailto:dsweeney@bozeman.net)

Greg Sullivan – City Attorney                      Legal and Procedural Recommendations  
[gsullivan@bozeman.net](mailto:gsullivan@bozeman.net)

## **Membership Details**

The Board of Ethics is made up of three members appointed by the City Commission to two year terms. Members cannot be city elected officials, city employees, or currently serving on any other city board or commission.

## **Creation of the Board of Ethics**

### **2008 Bozeman City Charter**

The Bozeman City Charter (the “Charter”) was proposed by the City of Bozeman’s 2004-2006 Local Government Study Commission and was approved by the voters at the November 7, 2006 general election. The Charter became effective on January 1, 2008. The Charter confers certain powers and restrictions, prescribing procedures and governmental structure. The Charter was created *...to secure the benefits of local self-government and to provide for an honest and accountable commission-manager government. (Preamble, City of Bozeman Charter)*

Section 7.01 (b) of the Charter called for the establishment of an independent Board of Ethics as well as the requirement for annual training and education of city officials, city board members and employees regarding the state and city ethics codes.

### **Ordinance No. 1726, Creation of the Board of Ethics**

To establish a Board of Ethics (the “Board”) as required in the voter approved Charter, the City Commission adopted [Ordinance No. 1726](#) which provide guidelines for the creation of the board and other ethics related content required in the Charter. These provisions are codified in the Bozeman Municipal Code at Chapter 2, Article 3, Division 4 ([Sect. 2.03.460 et seq., BMC](#)). Duties and powers of the Board, who may request board action and the limitations of the board’s power, are included. In May of 2009, the City Commission adopted [Ordinance No. 1759](#) which amended the original Ordinance. Changes made relating to the board itself were minor.

## **Board Duties and Responsibilities**

### **Bozeman Municipal Code, Chapter 2, Article 3, Division 4 – Code of Ethics**

The Code of Ethics is an important piece of City law. As the declaration of policy section 2.03.460 states, *The purpose of this code of ethics is to set forth standards of ethical conduct, to assist public officials and employees in establishing guidelines for their conduct, to foster the development and maintenance of a tradition of responsible, accountable and effective public service, and to prohibit conflict between public duty and private interest.*

Following are sections within the Code of Ethics directly related to the Board and a brief summary of each. Other sections within the Code of Ethics provide additional direction to the Board and the public in addressing ethical issues and violations.



**Sec. 2.03.580 - Board of Ethics.**

This section defines the composition and terms of the Board, requirements for membership, and lists the support City staff will provide.

**Sec. 2.03.600 - Duties and powers of the board.**

This section provides details about Board procedures related to meetings, conducting hearings, and reporting and establishing procedures for administration and implementation of the Code of Ethics. These duties include:

- Evaluating all aspects of the Code of Ethics to ensure the public and all public servants have a reasonable opportunity and are encouraged to participate;
- Developing a plan to educate public servants about their rights, duties and responsibilities;
- Submit an annual report of summary decisions, opinions and recommended actions regarding ethical practices or policies;
- Arrange for an annual workshop or training program for all employees, elected officials and board and committee members; and
- Conduct hearings as needed.

**Sec. 2.03.610 - Who may request board action.**

This section outlines that any person may file a complaint with the Board and further explains who may request of the Board an ethics opinion.

**Sec. 2.03.620 – Limitations on board’s power.**

This section explains in detail what limitations are placed on the Board and that the Board may refer a matter to the city attorney for review.

In addition to the City’s Code of Ethics, the Board has jurisdiction over State of Montana Ethics laws. These provisions are codified in Title 2, Chapter 2, Part 1, MCA ([Sect. 2-2-101, et seq., MCA](#)).

**Requirement of Annual Report**

The annual report of the Board is a way to inform the public, officials and city employees of what the Board has accomplished in the past year and report any decisions or opinions.

The [Bozeman Municipal Code Sec. 2.03.600](#) specifically states that the board shall:

4. *No later than December of each year, submit an annual report to the city commission concerning its action in the preceding year. The report shall contain:*
  - a. *A summary of its decisions and opinions, both open and confidential; the board shall make any alterations in the summaries necessary to prevent disclosure of any confidential information pertaining to any individual or to any organization if the disclosure could lead to the disclosure of the identity of a person who is entitled to confidentiality; and*
  - b. *Recommend any legislative or administrative actions regarding the city's policies and practices which the board believes would or could enhance the ethical environment in which public servants work.*

## 2019 Year-End Report

### 2019 Ethics Training

This year's employee ethics training was designed by City Manager Andrea Surratt with support from City Attorney Greg Sullivan and Executive Assistant Julie Hunter. An Ethics Team was formed of City department representatives and tasked to create realistic ethics scenarios with resolutions that could be used for training and instruction. Variations of the training provided customization for employees and boards. The Board of Ethics approved the curriculum and it was provided to the Ethics Trainers, made up of HPO Members and Board Liaisons. A Train the Trainers session was held to teach how to facilitate the training sessions among their teams and/or boards. Trainers were walked through each scenario carefully to assure they were comfortable with the resolutions. They were given multiple resources from which to draw from including how-to documents, Municipal Code citations and City personnel who could guide them at any time. The Trainers completed the Ethics Training sessions by the end of October, 2019.

The city continues to ask new employees and board members to complete ethics training shortly after hiring/appointment to help familiarize them with the Code and to meet the yearly training requirement even when joining the organization after the yearly training.

### Summary of the Board's Decisions and Opinions

In December, 2018 Roger Koopman brought an Ethics Complaint alleging that city public officials or City public employees violated the Montana Code of Ethics or violated Bozeman's Code of Ethics while engaging in acts connected to the recently concluded bond issue election. The Board of Ethics held public meetings in January and February, 2019 to address Mr. Koopman's Ethics Complaint. Upon review of the complaint, and with the findings of the Office of the Commissioner of Political Practices (COPP) (which issued a Dismissal of Mr. Koopman's complaint) the Board of Ethics accordingly dismissed the entirety of the allegations of Mr. Koopman's Ethics Complaint. Please see COPP decision, Board of Ethics Decision and District Court Decision [here](#).

### Upcoming Recommendations

City Attorney Greg Sullivan has asked the board to clarify whether benefits received by employees in their status as members of a collective bargaining unit are considered gifts under the City's ethics code. Under state and federal regulations for state and federal employees, federally applicable benefits to an employee through their union are not gifts. Mr. Sullivan is asking the Board of Ethics to clarify this is also

## Board of Ethics Report, 2019

the case for Bozeman. The same consideration was asked of discounts for professional affiliations. Recommendations were put forth in a [memo](#) shared at the 10-09-2019 Board of Ethics meeting.

# 2019 Ethics Program

City of Bozeman

TRAIN-THE-TRAINER + BOARD LIAISON TRAINING

September 2019

# Overview

In 2018 we trained 418 staff members and 160 board and commission volunteers

Ethics is more integrated into staff and board/commission meetings all year

Now equipping any staff interested to facilitate training as an opportunity for professional development

The City of Bozeman Code of Ethics is a best practice for local government in Montana

# Timeline

## 2019 COB Ethics Timeline



# Why Facilitate Ethics Training Instead of Online?

Equipping staff to facilitate training helps make the material more familiar

Engaging in Conversation HELPS US LEARN

Probing for More Information (using questions that begin with Who, What, When, Why, Where, and How)

Participants have knowledge that we need to draw out

Participants are sometimes hesitant to begin the conversation

Reaching conclusions will likely lead to more unanswered questions

THAT'S OKAY!



# When in doubt...ask questions like these

The benefit of the training is the discussion that happens in the gray areas of each scenario. Become comfortable with these types of questions for effective facilitation of the Ethics Training:

- ❖ What is the issue or problem that needs to be solved?
- ❖ What information do we not have?
- ❖ Who is involved?
- ❖ When is the occurrence taking place?
- ❖ Why might we need to pause and ask the ethics questions to ourselves?
- ❖ Where can we go for help? What are the resources?

# What to Expect

The Notes section will have general answers built in to PowerPoint

Questions related to staff scenarios (Blue)

Board and Commission-focused scenarios (Green)

Varying opinions and what-if questions that will generate lively discussion

Frustration by some participants

Ethics Board members may attend various sessions, likely other board or commission trainings. They are there to observe and learn, not necessarily to be the experts in the room.

**GOAL:** 45 minutes to an hour of discussion

# Resources

Code of Ethics

Purchasing Policy

Montana Code Annotated (MCA)

Administrative Orders

A Copy of the Employee Handbook (also encourage Employees bring their copy)

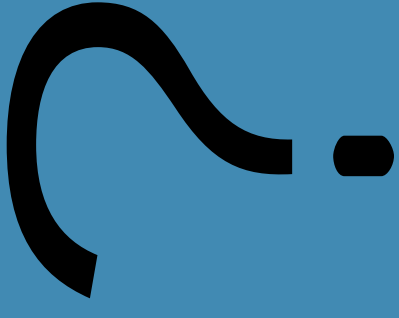
You can request a staff partner (other Trainer) to accompany you with the training

Sign In Sheet for Documentation of Participants

Flip Chart for Possible Future Questions or Other Concerns (putting items in the “Parking Lot”)

# Let's Get Started!

Captain Klink received a call from the manager of Cafe M (777 E Main) to say that she doesn't think it is right that Detective Howard (who she knows lives in Four Corners) comes through the drive through every morning in his city vehicle.

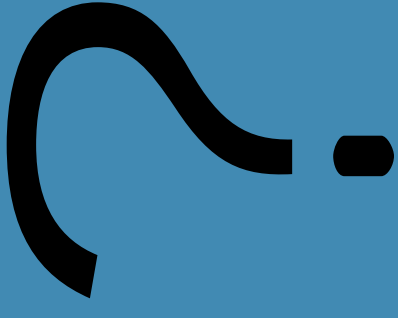


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### *Section 2.03.500 Use of city resources*

No official or employee shall use, or permit the use of, city-owned vehicles, equipment, material or city personnel for personal use of the employee or official or anyone else or to be used in any manner prohibited by state statutes or city ordinance. No city automobile shall be used by a city employee or official going to or from home, except when such use is for the benefit of the city, as in the case of an employee on call outside of the employee's working hours.

Laurie at the Library has a 10:00 am state meeting in Helena tomorrow. Tonight, she works at the Library until 8:00pm. She has been planning to take the new Library car to Helena, so she decides to take the car home after she is done with work tonight. Her son's 30<sup>th</sup> birthday is today and he is having a celebration tonight at his house. She decides to take the Library car to her son's house to celebrate with him and then drive it home for her early departure tomorrow.



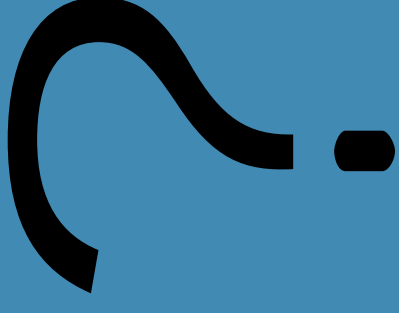
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Kevin, a city employee, is a city representative on the Mental Health Support Foundation Board which meets six times a year. Kevin was asked to serve because of his past work on issues related to homelessness. He often finds that he must miss meetings due to scheduling conflicts but continues to try to make it work. The Foundation Board is hosting a significant long range planning process. Does the Ethics Code address this issue?

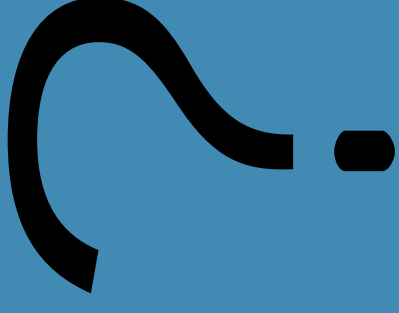


## Section 2.03.490 Standards of Conduct

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C. Each official and employee serving on a multimember is expected to devote the time and effort necessary to the successful functioning of such agency.

Audrey, a city employee, follows the process to contract with a consultant for educational materials that will be used to promote events for a community outreach process. These materials cover topics such as polling the public on the legalization of marijuana and its impact on city zoning. A citizen files an ethics complaint against Audrey for promoting a controlled substance with city taxpayer dollars.



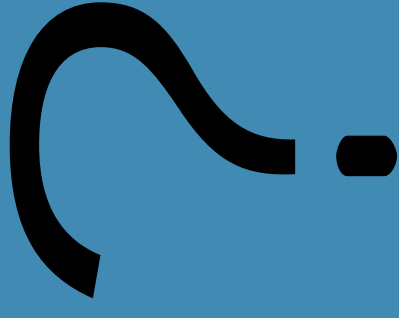
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## Section 2.03.470 Definitions

### 8. Improper governmental action

8c. A properly authorized city program or budgetary expenditure does not become an improper governmental action because a reporting person dissents from or disagrees with the city policy or decision.

Jane is a billing clerk at City Hall. One day while at work, Bill, a city resident, called and said that he had sold his house to Fred and Sheila Brown. Jane proceeded to tell Bill that she would finalize his account and put the home into the new owners' names. Bill said he wanted to keep it in his name because he was renting it from the Browns for a month. When Jane informed him City Ordinance requires that all water and sewer bills have to be in the property owners' name, Bill was angry and adamantly demanded that it be left in his name, after all it was only one month. Jane finally relented and agreed to leave it in Bill's name, after all it would save her and the garbage crew significant time.

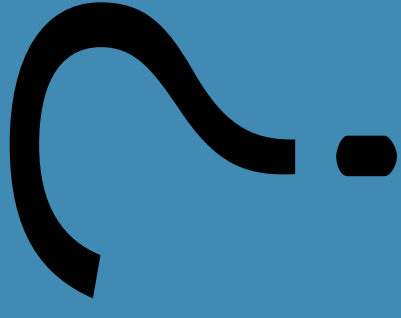


## Section 2.03.490 Standards of Conduct

B. Officials and employees shall conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts towards attaining and maintaining high standards of conduct.

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A City of Bozeman Firefighter walks into Sportsman's Warehouse on Public Service Appreciation Day where Military Veterans, Police, Fire and Emergency Services workers are offered a 20% discount. The cashier notices their Bozeman FD T-shirt and mentions the available discount. Instead of using his affiliation as a City Firefighter, he displays his current Army National Guard ID card.



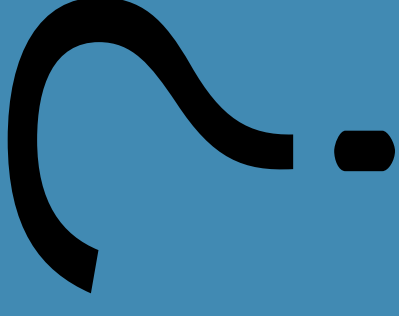
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*Section 2.03.540 Gifts, gratuities and favors. A gift, gratuity, or favor does not include:*

- I. Items or services provided an employee or official in their private capacity and without relationship to their employment or official position*
- B. No official or employee shall accept a gift, gratuity, or favor from any person or entity:
  - 1. That would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;*
  - 2. That the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken; or**



- Sally receives a gift from a regular patron at the Library when they come in to return their library books. The patron says she got it for free as a part of a gift basket she won from the mall. The item is something Sally would actually use, so she would like to keep it if possible. Sally is a supervisor, so has some control over decisions that are made, but not ultimate authority on policy changes or exceptions. Upon further review, the gift seems to have a value of \$17.00 if someone were to purchase it themselves.
- **Part 2-** the gift has a value of \$65.00 if someone were to purchase it themselves.
- **Part 3** – the gift has a value of \$65.00 but Sally filled out a gift disclosure form with the City Clerk



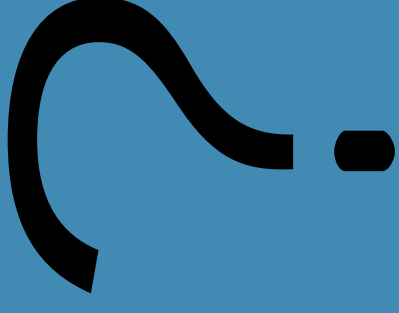
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- **Part 2-** the gift has a value of \$65.00 if someone were to purchase it themselves.
- **Part 3** – the gift has a value of \$65.00 but Sally filled out a gift disclosure form with the City Clerk.

Section 2.03.540 Gifts, gratuities and favors.

*(review entire Section for answers)*

Jessica is the president of the Absarokee Views HOA. She is also a Planner I at the City of Bozeman. Jessica is assigned to review the development application of a large apartment complex across the street from her personal residence. She enjoys walking her dog and playing Frisbee with friends in the now vacant field. In Jessica's staff report she makes findings that the proposed project is inconsistent with the character of the neighborhood because it does not meet the requirements for providing quality, usable shared open space.



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*Section 2.03.520 Conflict of Interest*

D. If an official or employee has a financial or personal interest in the outcome of a transaction or matter coming before the agency of which they are a member or by which they are employed, such official or employee shall:

1. Publicly disclose on the record of the agency, or to their superior or other appropriate authority, the existence of such financial or personal interest; and
2. Except as authorized pursuant to 2.03.520.A and G, shall not engage in deliberations concerning the matter or transaction, shall be disqualified from acting on the matter or transaction and shall not communicate about such matter or transaction with any person who will participate in an action to be taken on such matter or transaction.

*Definition of "Personal interest"* means any interest in the matter which would affect the action of the official or employee other than a financial interest, and other than an interest because of membership in, or affiliation with, but not employment by a social, fraternal, charitable, service, educational, religious, governmental, health service, philanthropic, cultural, or similar nonprofit institution or organization.

*Section 2.2.121 Rules of conduct for public officers and public employees.* (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

3)(a) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or (ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

Beth is the new Chair of the Midtown Urban Renewal District Board. She's been on the board for years, and hasn't always agreed with the types of items the board has taken up on the agendas, which were managed by the previous chair and staff liaison. Beth is very involved in the community in a variety of capacities, via consulting, volunteering, membership, and board appointments. Through her connections, she believes she can more effectively prioritize the work of the board. She takes over management of the agendas and starts to fill them with items that she'd like to prioritize, since she knows they'll be best for the community as a whole. The staff liaison and other board members have begun to express some concern that the agendas are missing some diversity, but Beth informs them it is within her authority to set agendas, so she will continue to do so unilaterally for the remainder of her term.



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**BMC Sec. 2.03.490. - Standards of conduct.**

D. No official or employee shall improperly use, directly or indirectly, the official or employee's city position to secure any financial interest or personal interest for said official employee, or others.

**BMC Sec. 2.03.520. - Conflict of interest.**

C. No official or employee shall take or influence official action if the official or employee has a financial or personal interest in a transaction or matter with the city.

G. No official shall act in a private capacity on matters acted upon as an official.

**Resolution 4377 – Establishing Model Rules of Procedure for Boards**

The chairperson, staff liaison, or another designated board member shall arrange a list of matters to be brought before the board... The chair person or a majority of board members may add to or remove an item from the agenda.

Reggie is a member of the Planning Board, and is also a faculty member in the Architecture Department at MSU. During the summer, he attends a number of conferences required by his employments. He has to miss about half the meetings over the summer, so he informed the Chair of his upcoming absences. The Chair told him that with a current vacancy, it is critical that he attempt to attend more than just half the meetings, as business needs to get done and the board may not have a quorum with his absences. Reggie understands the Chair's concern, but his job is his top priority. As a compromise, he has arranged for another colleague to attend the meetings in his stead to help maintain quorums, or is willing to Skype in for the nights that don't work for his stand-in.





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**BMC Sec. 2.03.490. - Standards of conduct.**

C. Each official or employee serving on a multimember agency is expected to devote the time and effort necessary to the successful functioning of such agency.

**Resolution 4377 – Establishing Model Rules of Procedure for Boards**

Unless otherwise provided by law, a quorum shall consist of a majority of existing appointed board members. If a quorum is not present, those in attendance shall be named and the board shall adjourn to a later time...Email, telephonic, or proxy voting shall be prohibited.



The City is considering a ballot issue for creation of a new special district to fund and maintain parking services in the city. The proposal is in the later stages and the Parking Commission feels strongly in favor of creation. Many individual members of the Parking Commission want to start outreach by going door-to-door and speaking with citizens. The Parking Commission, via a motion and vote, directs staff to design and print off flyers for this purpose, since the board itself doesn't have a budget.



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## **MCA 13-35-226. Unlawful Acts of Employers and Employees**

(4) A public employee may not solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at the place of employment. However, subject to 2-2-121, this section does not restrict the right of a public employee to perform activities properly incidental to another activity required or authorized by law or to express personal political views.

## **BMC Sec. 2.03.500. - Use of city resources.**

No official or employee shall use, or permit the use of, city-owned vehicles, equipment, material, or city personnel for personal use of the employee or official or anyone else or to be used in any manner prohibited by state statutes or city ordinance.

Appointed board member advocacy rules -

**CONGRATULATIONS!**