

City of Bozeman Board of Ethics

Report 2014

www.bozeman.net/bozeman/Residents/Ethics

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Board of Ethics Summary

Current Board Members:

Chris Carraway –Chair ccarraway@bozeman.net	Appointed July 28, 2014	Term expires July, 2016
Melissa Frost - past Chair mfrost@bozeman.net	Appointed June, 2009	Term expires July, 2015
Mary Jane McGarity mmcgarity@bozeman.net	Appointed January, 2011	Term expires July, 2015

Past Board Members:

Rodger McCormick	Appointed August, 2008	Term expired July, 2010
Stephen Schultz	Appointed August, 2008	Term expired July, 2010

Support Staff:

Stacy Ulmen– City Clerk sulmen@bozeman.net	Administrative and Recording Services
Greg Sullivan – City Attorney gsullivan@bozeman.net	Legal and Procedural Recommendations

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 provides 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.*

The following sections within the Code of Ethics directly relate to the Board. 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.*

2014 Year-End Report

The City once again contracted with the Montana State University Local Government Center to assist in the Ethics Training requirement as written in the City Charter. It was decided to offer the ethics training online this year utilizing the MSU portal we have in place for new employees and board members. The text and questions were developed by MSU and based upon the weak areas as found in Betsey Webb's Dissertation/Study of Comprehensive Ethics Program (CEP) within a municipal government 5 years after implementation in which the City of Bozeman was highlighted. The entire dissertation was titled: *What is Good and what is Right: An Investigation of the Outcome of a Comprehensive Ethics Program in Municipal Government*. **Chapter Five: Conclusions** pertaining to the City of Bozeman has been incorporated into this report as **Exhibit A**. Although not required, 215 City Employees responded to the call for taking part in Ms. Webb's research.

The overall research question and each of four research sub-questions as identified in **Exhibit A** were answered. Recommendations were provided to the City of Bozeman for future research. Reporting of misconduct was lower in the City of Bozeman compared to national survey results for local governments and the sources of low reporting should be further explored. The most effective components of the ethics program identified by employees were role modeling by peers and supervisors, talking about ethics on the job, ethics training, the code of ethics, and the ethics handbook.

In the past, the Deputy City Clerk was very instrumental in editing and assisting with the trainings, however the Deputy City Clerk position became vacant in October of 2014 which has put us behind in launching the training for 2014. The Board of Ethics met, discussed and approved this annual report as well as the launch of the training. They also discussed the upcoming 2015 training and it was decided to begin working on it as soon as possible. Also, since the infancy of the Ethics Board, the Clerk's Office offered secretarial support and it was decided by the City Manager that the Ethics Board support will now reside in the Administration Department. The City Clerk's Office will continue to assist in the regular duties associated with board appointments and posting of meetings and agendas. This change will occur in the middle of 2015.

The cost for development and execution of the employee trainings through Montana State University Local Government Center, who contracted with Elizabeth Webb will be approximately \$3, 200 for the 2014 training as shown in **Exhibit C**. Additional internal personnel costs have not been calculated at this time.

The City continues to ask new employees and board members to take the online 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. In 2014 roughly 27 new hires and board members took the online training.

Summary of the Board's Decisions and Opinions

No formal or informal decisions or opinions were made by the Board in 2013. City Attorney Greg Sullivan continued providing a monthly staff report during Board meetings to relay ethics questions and concerns that came to his attention throughout the month and the advice or comments he provided. In addition to informal advice throughout the year, the City Attorney provided several [formal ethics opinions](#) to City Commissioners and has made these available online. In addition, several board members received advice from the city attorney regarding post-employment matters and have filed [post-employment disclosures](#) which are also available to the public online. A link to these documents can be found from the city of Bozeman [ethics webpage](#).

Administrative Accomplishments

An online [gift disclosure form](#) was created by staff and approved by the Board of Ethics for employees or officials to utilize when they accept items that do not violate the gift provisions but have a value greater than \$25 and require the filing of a public disclosure statement with the Board of Ethics that indicates the gift, its estimated value, the person or entity making the gift, the relationship to the employee or official and the date of the gift. [Filed gift disclosure forms](#) can be viewed by the public online.

Per the requirement in the City Charter, the City Clerk's office continues to collect [financial disclosure forms](#) in January from every employee and board member who has major financial decision making responsibilities. This list consisted of approximately 71 people in 2014.

Upcoming Goals

Planning for the required 2014 ethics training began during the February Board of Ethics meeting. The minutes from that meeting have been attached to this report as **Exhibit B**. Initial discussions have focused on ways to continue to strengthen the culture of ethics within the organization. City staff will utilize feedback within the employee high performance organization (HPO) group to narrow down design options.

Upcoming Recommendations

There are no planned recommendations at this time. The Board of Ethics feels legislative changes are not currently necessary. The board met quarterly towards the end of 2013 as the need for monthly meetings dwindled with legislative changes completed. When necessary, the board will meet more frequently.