

**ORDINANCES**  
**MILES CITY, MONTANA**

**ORDINANCE NO. 1372**

**AN ORDINANCE ENACTING ARTICLE VII "ETHICS" AND ESTABLISHING THE MILES CITY ETHICS COMMITTEE.**

**WHEREAS**, pursuant to Montana Code Annotated 2-2-144, the City of Miles City finds it in the best interests of the public to establish a Miles City Ethics Committee to review complaints of ethical violations by City employees and elected officials, as well as to establish basic ethical standard guidelines for City employees and elected officials; now, therefore,

**BE IT ORDAINED**, by the City Council of the City of Miles City, Montana, as follows:

**Section 1.** Article VII, Ethics, and Sections 2-400 through 2-405, are hereby enacted:

(Sections 2-378 through 3-399 Reserved)

**ARTICLE VII. ETHICS**

**2-400 - Ethical standards.**

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers, employees, and elected officials of the City of Miles City shall comply with the following provisions:

- A. No officer, employee, or elected official of the City of Miles City shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer, employee, or elected official shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer, employee, or elected official shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
  - 1. impair his or her objectivity or independence or judgment, or
  - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer, employee, or elected official shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer, employee, or elected official, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer, employee, or elected official shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer, employee, or elected official, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Miles City; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or

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themselves, in negotiations or proceedings concerning his, her, or their own interests;

H. No officer, employee, or elected official shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;

I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;

J. No officer, employee, or elected official, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or

employee or any other person or any property or governmental affairs of the City;

K. No officer, employee, or elected official shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the Mayor;

L. No officer, employee, or elected official shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;

M. All officers, employees, and elected officials shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;

N. All officers, employees, and elected officials shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;

O. All officers, employees, and elected officials shall be sensitive and responsive to the concerns and questions of the public; and

P. All officers, employees and elected officials, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the Mayor's discretion, be forwarded to the Miles City Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

### **2-401 - Miles City Ethics Committee established.**

The City Council hereby establishes The Miles City Ethics Committee hereinafter referred to in this chapter as the "Committee."

### **2-402 - Committee purpose.**

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

### **2-403 - Committee membership.**

A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members and one (1) alternate member, who shall be appointed and ready to serve in the event that a Committee member is unable or unavailable to serve. The members and alternate shall be appointed by the City Council for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City officers, employees, or elected officials. As is reasonably possible, the members shall have experience and or training in the following:

1. Public administration;
2. Governmental operation;
3. Political practices; or
4. Legal practice.

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B. The first appointee to the Miles City Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

**2-404 - Committee meeting schedule.**

The Committee shall meet on an as needed basis, no more frequently than once a month, after a matter has been referred to the Committee by direction of the Mayor or City Attorney. Committee meetings shall be held in City Hall and shall be open to the public, pursuant to Mont. Code Ann. Titles 2 and 7. Committee meeting minutes shall be maintained by the City Clerk.

**2-405 - Committee duties.**

The Committee shall meet and be presented testimony regarding matters referred to it. When considering an ethics complaint, the Committee shall determine whether a complaint appears to be substantiated based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Custer County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.

**Section 2.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 8<sup>th</sup> day of August, 2023.

ATTEST:

  
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Mary Rowe, City Clerk

  
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John Hollowell, Mayor

**FINALLY PASSED AND ADOPTED** this 22<sup>nd</sup> day of August, 2023.

ATTEST:

  
\_\_\_\_\_  
Mary Rowe, City Clerk

  
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John Hollowell, Mayor