



Ethics Committee Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Rainbow Room
May 17, 2019
1:00 PM

- 1. Call to Order**
- 2. Roll Call**
 - Carmen Roberts
 - Carl Rostad
 - Katrina Stark
- 3. Recognition of Staff**
- 4. Approval of Meeting Minutes – February 6, 2019**
- 5. Consideration of Amended Rules and Process for Evaluating Ethics Complaints.**
- 6. Miscellaneous Reports and Announcements from Committee**
- 7. Public Comment**
- 8. Adjournment**

Regular Ethics Commission Meeting

Civic Center, 2 Park Drive South,
Commission Chambers Room 206, Great Falls, MT

1. **CALL TO ORDER:** 1:00 PM
2. **ROLL CALL:** Ethics Committee Members (CM) present: Carmen Roberts and Katrina Stark. Committee Member Carl Rostad appeared via Skype.
3. **RECOGNITION OF STAFF:** City Attorney Sara Sexe, City Clerk Lisa Kunz, and retained attorney for the Ethics Committee, Jordan Crosby, of Ugrin Alexander Zadick, P.C.
4. **APPROVAL OF MEETING MINUTES - - NOVEMBER 7, 2018.**

CM Rostad moved, seconded by CM Stark, that the Ethics Committee approve the meeting minutes as written.

Chairperson Roberts asked if there were any comments from the public. Hearing none, Chairperson Roberts called for the vote.

Motion carried 3-0.

5. **JENI DODD COMPLAINT RECEIVED 01/15/2019.**

Chairperson Roberts commented that this item is an ethics complaint by Ms. Jeni Dodd against City Commissioner Tracy Houck, and asked for staff's presentation on the matter currently before the Committee.

City Attorney Sara Sexe reported that before the Committee is a complaint that was hand delivered to her at the January 15, 2019, Commission meeting. The complaint related to City Commissioner Tracy Houck's use of a Facebook page. Since the complaint was lodged against City Manager Greg Doyon's immediate supervisor, she thought it best to avoid any potential conflicts of interest and provide it directly to the Ethics Committee for consideration. Also, because it involves her supervisor's supervisor, outside counsel, Jordan Crosby, was retained to advise the Committee as to processes.

City Attorney Sexe noted that the agenda report referenced an attached statute, which was the subject of the complaint; however, the statute that was attached in error pertained to the three person bodies that take these matters to the county attorney. Mont. Code Ann. § 2-2-121 has been distributed to the Committee for its information in this regard. She concluded that now is the time for the Committee to proceed with the process as set forth in the Committee's procedural rules.

At this time, Chairperson Roberts set forth guidelines for providing testimony, and invited Ms. Dodd to provide comments on behalf of her ethics complaint.

Jeni Dodd, 3245 8th Avenue North, commented that she is the complainant, and that the Committee has the statute that she cited. Commissioner Tracy Houck has argued that it is common for City Commissioners to post public events on their City Commission social media webpages. She doesn't have an issue with posting of public events of a cultural or philanthropic nature. But, she feels that the women's march is very arguably politically motivated, and that Commissioner Houck's posting of this political event on her official Commissioner Facebook page violated ethics for City officials. She noted that there were two visits from the President that did not get posted. This appears to her to be a clear bias of what Commissioner Houck posts on her official Commissioner Facebook page. Her issue is not with Commissioner Houck's personal page, but with the Commissioner Facebook page.

Complainant Dodd continued that Commissioner Houck claims that the local march is not affiliated with the national march or any larger movement. She referred to her Exhibits 1 and 2, PDF screenshots from the women's march global website that lists Great Falls' march as part of the affiliated marches. In the minds of local citizens an association exists between the larger movement and the local event. The local organizers have chosen each year to hold their event in conjunction with the national event. The message that this gives the public is that the local event stands in solidarity with the national event.

Further, the national event, along with being a clearly political event, was tainted this year with anti-Semitic statements and anti-Semitic associations of its founders, to the point that other marches in other cities across the country publically rebuked their association with the national march. To her knowledge, the local march didn't issue any statement condemning the actions of the national march founders and made no attempt to distance themselves from the national march.

The Great Falls City Commission has, in the past, expressed through proclamations its condemnation of anti-Semitism and other situations. She opined that, in keeping with previous actions, the Commission members should not then give the appearance of supporting the now tainted women's march on official social media.

Complainant Dodd further commented that Commissioner Houck stated at a City Commission meeting that she had little association with the group other than being asked to emcee the event. However, as posted on Great Falls Rising, Commissioner Houck had an organizational role in the event, even hosting a planning meeting at her home. Ms. Dodd alleged that there is now an additional issue of Commissioner Houck lying on record at a City Commission meeting.

At the suggestion of Committee Attorney Jordan Crosby, Chairperson Roberts called for a recess at 1:13 p.m. so that Ms. Dodd's exhibits could be copied. Chairperson Roberts called the meeting back to order at 1:21 p.m.

CM Rostad confirmed receipt of an email from City Attorney Sexe containing Ms. Dodd's exhibits.

Complainant Dodd reviewed her exhibits:

Exhibits 1 & 2 - Screenshots from the women's march global website that lists Great Falls' march as part of the affiliated marches.

Exhibit 3 – Complainant Dodd's typed comments of Commissioner Houck responding to her concerns about the women's march posted on her Commissioner Facebook page at the January 15, 2019 City Commission meeting.

Exhibit 4 – Screenshot of Great Falls Rising Facebook page; Tracy Jerman Houck's comments on page 2 regarding a planning meeting for the women's march at her house.

Exhibits 5 & 6 – Screenshot of a January 21, 2017 posting of the Women's March bus event to Helena on Tracy Houck Great Falls City Commission Facebook page.

Exhibit 7 – Screenshot of Tracy Houck Great Falls City Commission Facebook page shared Montana Human Rights Network, February 14, 2017, post thanking Rep. Kelly McCarthy for carrying the Montana Human Rights Act during the session.

Complainant Dodd noted her belief that Commission members should not be supporting particular legislation.

Exhibit 8 – Letter published in the *Great Falls Tribune* titled "National women's march organizer a felon, letter writer says."

Exhibit 9 – *Great Falls Tribune* article titled "Women's march to return Jan. 20 to Montana under new name, same goals."

Complainant Dodd noted that Big Sky Rising is listed as Democratic Socialists of America, a political group.

Complainant Dodd concluded that she doesn't have a problem with postings to a personal page, but her concern is with posts to the Tracy Houck Great Falls City Commission Facebook page wherein it gives the appearance of a City Commissioner taking a political stance on issues.

For the purpose of clarification, Chairperson Roberts asked if the Committee members had any questions of staff or the Complainant.

CM Rostad inquired if "political" was defined as partisan associated with republican, democrat or socialist, or whether it's a broader meaning.

Attorney Crosby responded that Mont. Code Ann. § 2-2-102 is the definition section of the Code of Ethics and there is not a definition that is included for "political." She inquired

if CM Rostad was referring to Complainant Dodd's reference to Mont. Code Ann. § 2-2-121.

CM Rostad responded affirmatively, adding there is reference to "political committees" in that statute. He inquired if that term is defined in the more traditional, legalistic scope as political parties, or is there a broader definition of anything that has to do with social, political, or economic status.

Attorney Crosby responded that the companion statute in Title 13 pertaining to election matters relates to formal political committees that are organized and are filed with the Commissioner of Political Practices.

Attorney Crosby clarified that the definition of "political committee" is defined in Mont. Code Ann. § 13-1-101(31)(a). At the request of Chairperson Roberts, she read the following:

- (31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:
 - (i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;
 - (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or
 - (iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.
- (b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.
- (c) A candidate and the candidate's treasurer do not constitute a political committee.
- (d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of \$250 or less.

Chairperson Roberts asked if the Committee had any questions for Complainant Dodd.

Hearing none, Chairperson Roberts asked if there were members of the audience wishing to present or submit testimony. She reiterated the guidelines, adding that she would first call for those in favor of the complaint, then those that oppose the complaint, and conclude with those that are neither in favor of or oppose the complaint.

Speaking in favor of the complaint was:

Jeni Dodd, 3245 8th Avenue North, commented that she would have to read the Title 13 statute to see how it relates to her complaint in reference to the statute she provided, and suggested that the Committee do the same.

Speaking in opposition to the complaint was:

Tracy Houck, P.O. Box 67, clarified that she did continue with her City Commissioner Facebook page after being elected. The page was originally a page that she created during her campaign. It is linked with the City as the materials in the packet show. She reported that she posts all kinds of things to promote the community, fundraisers that kids are involved in, successes and shout outs, and heads up and warnings. She also uses it for transparency when she is involved in things. She makes those posts separate from her personal page so people are aware of what she has been asked to do.

In this case, she reported that she was asked to emcee this particular local march. The event page was coordinated by the Great Falls Community Action Team. They reached out to her and asked if she would emcee the event again, and then try to pull together a group to organize it. Because of her personal schedule, she offered to host it at her house. People did show up for it and took full credit for organizing it. Two of the key people who are from the Great Falls Community Action Team that were the coordinators were Helena Lovick and Laura Wight. They chose the topics, location, and coordination of music. YWCA Board of Director Lori Eckhart was the team's liaison.

Commissioner Houck continued that the planning committee talked about it, and decided not to list the march with the national marches.

On the event page, the person that opted to list it as a national march is Sharon Patton-Griffin. She takes full credit for that. She was not part of the planning committee that she is aware of. She is not sure if Sharon Patton-Griffin is part of the Great Falls Action team, but she is a member of the Great Falls Rising. Commissioner Houck noted that she is not a member of either of those organizations.

Commissioner Houck commented that, because they knew some of the controversy and concerns, she spoke as the emcee that they were not marching as part of the national organization. The group did speak about four topics: Medicaid expansion and prescriptions for all, women's health needs, equal pay, and missing and murdered indigenous women.

Commissioner Houck continued that, to her knowledge, this group was not part of a political action committee. There were no attacks on political persons or political parties. Most of their time was spent talking about solidarity, the fact that we are torn apart in our communities both at a local and national level, and that they hoped that people would put bipartisan concerns aside and come together and work on behalf of Montanans.

She concluded that she did not get into the depths of planning the march. She was simply the person at the table as the emcee. She wasn't the one that took notes, or made any of those decisions. It was not meant to be a political action, and it was not meant to be part of the broader scope.

Chairperson Roberts asked if there were any public comments neither favoring nor opposing the complaint.

Hearing none, Chairperson Roberts asked if the Committee had any additional questions based on the comments that were made.

Hearing none, Chairperson Roberts asked the will of the Committee.

CM Stark moved, seconded by CM Roberts, that the Ethics Committee finds that there is an appearance of a violation of any provision of Mont. Code Ann. Title 2, or a violation of OCCGF Title 2, Chapter 21, and makes a written finding of such.

Chairperson Roberts asked if there were any comments from the public regarding this motion. Hearing none, Chairperson Roberts asked if there was any discussion amongst the Committee.

CM Rostad commented that he appreciates Ms. Dodd bringing this to the attention of the Ethics Committee. He doesn't know that it is ever prudent to put anything that may aggravate either side of a community on a public Facebook page. But, it was not political within the meaning of the statute. He interprets political as intended by the statute to put the thumb of the City on the side of a particular political issue rather than just a social group. He is hesitant to say there was an appearance of impropriety, but he is also hesitant to encourage any further activity on behalf of any City Commission member to do anything that provokes division. He thinks the best course of action is to do nothing that causes anybody to take offense, at least on a publicly affiliated Facebook page. It probably didn't belong there, but he doesn't think he would go so far as saying it was inherently improper.

CM Stark commented that she thinks perception, just like conflict of interest, is a huge part of anything they do. She argued against a City Commissioner posting non-city sanctioned events on its (website). In support of the motion, CM Stark concluded that it is an appearance of the violation of the provision.

Chairperson Roberts agreed with CM Stark that it was about the perception, and that the timing of the local march with the national march makes it difficult for most of the public to determine that it is a separate event.

There being no further discussion, Chairperson Roberts called for the vote.

Motion carried 2-1 (CM Rostad dissenting).

CM Stark moved that the Ethics Committee does find that the appearance of a violation of any provision of Mont. Code Ann. Title 2, or a violation of OCCGF Title 2, Chapter 21, rises to a level of an actual violation, and makes a written finding of such.

The motion failed for lack of a second.

Attorney Crosby explained that there are three things the Ethics Committee must look at. First, whether there is an appearance; whether there was an actual violation of the ethical codes; and, if that is found to be true, then the Ethics Committee would go to the recommendations or remedies. If there is not a violation found, then the matter stops at the second question under the procedures.

CM Rostad moved, seconded by CM Stark, that the Ethics Committee finds that there was no actual violation, merely the appearance.

Chairperson Roberts again reiterated the guidelines, and asked if there were any comments from the public.

Jeni Dodd, 3245 8th Avenue North, commented that she was disappointed. She agrees with the comment made that the posts should be only city-sanctioned events on this Facebook page. Complainant Dodd added that you don't see the other Commission members putting things like this on their official social media. This Commissioner seems to be the only person doing that and it's all of a certain political persuasion.

Tracy Houck, 2 Park Drive South, reminded the Committee that this Facebook page is not run by any City official. It's not the City Manager's page. It's not for the Commission in general. It is to report what she is involved in and what she is doing for the sake of transparency. She has posted things in support of and opposition to her political beliefs. Her position is non-partisan. This is a Facebook page, it is not a webpage. It gives her the ability to educate people on things that are going on in town. She has been asked to present proclamations at churches, schools, and civic groups that wouldn't necessarily be something she belongs to. But when asked to attend something as a Commissioner, she posts it because she believes people should know what she is involved in.

Jeni Dodd, 3245 8th Avenue North, commented that a women's march is political. She suggested that, going forward, Commission members only post City sanctioned events to official pages. There are other ways to get the message out about other events.

Mary Moe, 8 Prospect Drive, noted that she is a member of the City Commission. She commented that the statute the Committee was looking at is to protect tax payers from having their own tax money used to promote a political issue with which a tax payer may not have agreed. She continued that the language relates to a specific political issue that you would be paying a contribution to advocate for, and that a political committee has been formed. It is her belief that simply has not happened here.

Ms. Moe commented that she also gets asked to speak at events. She always takes care to say that she is speaking as one City Commissioner and not on behalf of the entire Commission. To fault someone for the perception of others when you are trying to advocate a position about which you are particularly well informed, and when that is not a ballot issue that others are contributing to that puts a tax payer at a disadvantage, she

sees as different than what Commissioner Houck has attempted to do with her Facebook page. Commissioner Houck has not advocated for any particular ballot issue or any particular item that is in front of a group that is making a decision for which a political action committee would be formed.

Chairperson Roberts asked if there was any discussion amongst the Committee.

CM Rostad agrees that posts to social media should strictly be limited and all Commission members should exercise extremely good judgment in determining what they put their name to as a Commission member for fear of these problems arising. They should be very judicious in what they support in terms of promoting and what they are tying the City Commission name to.

Because these are non-partisan positions, CM Roberts commented that she appreciates the transparency that Ms. Houck is trying to give.

There being no further discussion amongst the Committee, Attorney Crosby advised the Committee to make a finding as to the state statute and city ordinance, 2.21.050L. To make sure everyone understands the intent of the motion, Attorney Crosby advised the Committee to read the motion.

For clarification, CM Rostad agreed to amend the motion.

CM Rostad moved, seconded by CM Roberts, that the Ethics Committee does not find that the appearance of a violation of any provision of Mont. Code Ann. Title 2, Chapter 2, or a violation of OCCGF Title 2, Chapter 21, rises to a level of an actual violation, and makes a written finding of such.

Chairperson Roberts again asked if there were any comments from the public.

Jeni Dodd, 3245 8th Avenue North, read the OCCGF 2.21.050L. She inquired if this particular Facebook page is provided by the City.

Attorney Crosby clarified that this portion of the meeting is not to ask questions. As part of the agenda packet there is a memo by the City Clerk regarding how it is maintained.

Ms. Dodd continued that, if it is maintained by the City, then she believes the code applies. Attorney Crosby responded that it is set forth in the staff memo dated January 29th the City utilizes an on-line capture service to basically capture and archive the social media. The Facebook page is not provided or managed by the City, it is just captured so that a public record is maintained.

Chairperson Roberts asked if there was any further discussion amongst the Committee.

Chairperson Roberts commented that Facebook is a public thing. Ms. Houck has been clear that she is using it for transparency. It is not the official City of Great Falls

Commission Facebook page that this was posted under. She doesn't believe it rises to a violation of OCCGF Title 2, Chapter 21.

CM Stark concurred.

Chairperson Roberts called for a vote on the second motion, as amended for clarification.

Motion, as amended, carried 3-0.

Attorney Crosby advised that the Committee does need to issue written findings consistent with the decisions made herein.

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Attorney Crosby commented that there are rule changes for points of clarification that she would like to present to the Committee in writing for consideration. Chairperson Roberts welcomed the recommendations. City Attorney Sexe added that they would try to get the proposed changes to the Committee for consideration at its next meeting.

7. PUBLIC COMMENT.

Chairperson Roberts asked if there were any public comments on matters under the purview of the Committee.

Jeni Dodd, 3245 8th Avenue North, commented she doesn't understand why she had to provide her address for the record and somebody else doesn't have to do that.

8. ADJOURNMENT.

There being no further business to come before the Committee, CM Stark moved, seconded by CM Rostad, to **adjourn the regular meeting of February 6, 2019, at 2:20 p.m.**

Motion carried 3-0.

Carmen Roberts, Chairperson

Acting Secretary - City Clerk Lisa Kunz

Minutes Approved: May 17, 2019



Item: Consideration of Amended Rules and Process for Evaluating Ethics Complaints.

From: Legal Department

Initiated By: Legal Department

Presented By: Sara R. Sexe

Action Requested: Accept Amended Rules and Process for Evaluating Ethics Complaints.

Suggested Motion:

1. Committee Member moves:

“I move that the Ethics Committee (accept/not accept) the amended Rules and Process for Complaints.”

2. Presiding Officer requests a second to the motion, public comment, Committee discussion, and calls for the vote.

Staff Recommendation:

Staff recommends the Great Falls Ethics Committee accept the proposed revised Rules, including the Complaint and Response forms.

Background:

The Great Falls Ethics Committee was established in 2017 to help City officials and staff continue to comply with Mont. Code Ann. Title 2, Chapter 2, pertaining to code of conduct for public officials and the Great Falls Ethics Code, OCCGF Title 2, Chapter 21.

Recently, staff recognized complications with the current provisions for the Committee’s determination. After the Ethics Committee held its initial hearing in February 2019 under the current procedures, City Staff and outside legal counsel Jordan Crosby recognized that the process did not work as was intended to provide a full and clear process.

The determinations required to be made under the ordinance in existence in February, unfortunately led to confusion by all parties involved. Thus, the City Commission changed the ordinance to replace the two-part process of determining: 1.) whether there was an appearance of a violation, and then 2.) whether there was an actual violation. Effective May 16, 2019, the City Commission instituted an amendment of OCCGF 2.21.100, requiring the Committee to:

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 Cascade 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.

Further, staff recommends that the Ethics Commission revise its Rules and Procedures as identified in the attached documents. The changes include a more formalized process with forms by which complaints and responses to complaints are submitted to and received by the City. This process includes the presentation of supporting documents and reasons for the parties' positions, and time lines for presenting documents.

These changes will assist in allowing for a clearer and understandable process for all parties involved, including the person who is the subject of any complaint. It also will allow employees the ability to defend challenges to their actions and allow their supervisors to internally address complaints which are found to be substantiated.

Staff proposes the Ethics Committee update its rules and processes, to those as attached in attachments B, C and D. Attachment A provides a comparison of the current rules with the proposed amendments.

Concurrences:

City Manager's Office

City Clerk's Office

Attachments/Exhibits:

Exhibit A - Rules and Procedures for Governing Ethics Committee in compared format

Exhibit B - Rules and Procedures for Governing Ethics Committee

Exhibit C - Ethics Complaint Form

Exhibit D - Response to Ethics Complaint Form

Rules and Procedures for Governing Ethics Committee

PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the Great Falls Ethics Committee (Committee). These rules of procedure are intended to ensure that the Committee can accomplish its work efficiently, openly and with reasonable opportunity for the public to participate in the deliberations and decisions of the City's governmental agencies.

Section 1.02 Authority. These rules of procedure are promulgated pursuant to and supplement Title 2, Chapter 21, of the Official Code of the City of Great Falls, as well as Mont. Code Ann. Title 1, Chapter 1, Part 41; Title 7, Chapter 5, Part 41; Title 2, Chapters 2 and 3.

PART II. Public Participation

Section 2.01 Policy. It is the policy of the Committee that the public shall be afforded reasonable opportunity to participate in its operation prior to the final Committee decision concerning any matter of significant interest to the public.

Section 2.02 Open Meetings. A meeting of the Committee is convened whenever a quorum of Committee members will hear, discuss or act upon any matter over which it has jurisdiction. All meetings of the Committee shall be open to the public. However, the presiding officer of the Committee may close any meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and in that event, the meeting must be open.

Section 2.03 Notice. The Committee shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the Committee shall be publicly posted no later than 48 hours prior to the meeting.

Section 2.03 Public Posting Board. The Committee designates ~~as its official posting place~~ the Great Falls Civic Center posting board and City of Great Falls' website **as its official posting places.**

PART III. Procedures

Section 3.01 Quorum. A quorum of the Committee shall consist of two Committee members. No meeting of the Committee shall be convened without a quorum and no decision of the Committee on any matter shall be made except by the affirmative vote of two members.

Section 3.02 Appointment of Officers. As soon as practicable after its creation, the ~~Board~~ **Committee** shall meet and organize by electing from its members a Chairperson and a Vice Chairperson. Thereafter, at its first ~~regular~~ meeting in each year, the ~~Board~~ **Committee** shall elect from its members a Chairperson and Vice Chairperson. The Chairperson shall act as the presiding officer. The Vice Chairperson shall have authority to act as Chairperson of the ~~Board~~ **Committee** during the absence or disability of the Chairperson.

Section 3.03 Staff Liaison. City staff from the City Manager's Office will assist the Committee with preparing, posting and advertising Committee meeting agendas; City Clerk's Office will assist with taking minutes, recording or televising meetings, and retention of records; and, the ~~City Attorney's Office~~**Legal Department/legal counsel**, will assist the Committee with the development of its recommendations.

Section 3.04 Complaint and Response statements.

1. All ethics complaints shall specifically identify the complainant, the subject of complaint (person being complained about), and provide a detailed bases for the complaint, specifically identifying all laws, regulations or codes which are alleged to be violated and providing a detailed description of the alleged violation. Complainants shall also attach all supporting documentation and/or other information supporting the complaint.
2. Upon receipt of a complaint subject to Committee evaluation, the person who is the subject of that complaint (Subject) shall be provided a copy of the complaint in a timely manner and may respond if they wish. All response statements shall:
 - a. provide a detailed description and response to each alleged violation,
 - b. include all supporting documentation and/or other information supporting the response, and
 - c. be delivered to the City Manager's office within 10 business days of the mailing of the complaint to the Subject.
3. All complaints and responses shall identify whether a privacy right is implicated that would require a closed meeting as discussed in Section 3.05 below
4. All complaints and responsive statements from the subject of a complaint shall substantially comply with the attached forms, as applicable, and be submitted to the City Manager's office.

Section 3.05 Agenda Preparation. ~~Proposed~~All supporting statements and/or material which a Complainant or Subject intends to provide to the Committee shall be provided to the City Manager's Office staff liaison no later than seven business days prior to the meeting when the complaint will be heard. Staff agenda reports, recommendations, and all other matters requiring discussion, or decision by the Committee shall be submitted to staff by 12:00 p.m. (noon ~~on Thursday~~) no less than four days immediately preceding the next ~~regularly~~ scheduled meeting of the Committee. The liaison shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda packet (which will include all Complaint and Response Statements) shall be provided to each member of the Committee no later than 48 hours prior to the scheduled meeting. Copies of the agenda shall ~~and~~ all supporting documentation, except as may be subject to individual privacy claims which outweigh the public's right to know, shall be readily available to the press and to the public at large ~~and one~~. One copy of the Agenda shall be posted on the designated public posting board, and a copy of the agenda packet shall be posted on the City's website, no later than 48 hours prior to the scheduled meeting.

Section 3.0506 Order of Business. The staff shall prepare the agenda in substantially the following form which may be altered by consent of the ~~Board~~**Committee**:

1. Roll Call of the Committee Members
2. Approval of Minutes of the Previous Meeting.
3. Public Comment on anything not on the agenda but within the jurisdiction of the Committee.
4. Scheduled Matters, including New Business, Old Business and other items.
5. Unscheduled Matters: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Committee. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule, no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Committee agenda item.
6. Adjournment.

PART IV. Rules of Committee Participation

Section 4.01 Policy. To provide for the effective participation by all members of the Committee and to protect the right of participation by members of the public appearing before the Committee, all meetings of the Committee shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.

Section 4.02 Rules. Committee debate shall proceed in accordance with the following rules:

1. A Committee Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Committee Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Committee Member while speaking is called to order, he or she shall cease speaking until the question or order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Committee but must be seconded prior to discussion and vote. If the motion is not seconded, it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Committee may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Committee Member of the prevailing side, but may be seconded by any Committee Member and it shall be debatable.
- ~~6. Nothing herein shall be construed to prevent any member of the Committee from making or remaking the same or any other proper motion at a subsequent meeting of the Committee, but the matter must be a scheduled agenda item.~~

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by the unanimous vote of the entire Committee.

Section 4.04 Majority of Whole Committee Required. The affirmative vote of two Committee Members is required to adopt any measure.

Section 4.05 Duty to Vote. It shall be the duty of each Committee Member to vote in the affirmative or negative on each motion duly placed before the Committee by the presiding officer, **except with conflicts of interest preclude such a vote.** A Committee Member may make a brief explanation of the reason why he or she voted in a particular way.

Section 4.06 Proxy Voting. A Committee Member who is not present ~~in~~for the meeting at the time a motion is put to a vote cannot vote. Committee Members shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest. Any member of the Committee who has a private interest, as defined by law or as so advised by the City Attorney/**legal counsel**, in any matter pending before the Committee shall not participate in the debate, nor vote in that matter, nor seek to influence the vote of members of the Committee, except as otherwise provided by 2-2-201, MCA. If the presiding officer has a private interest in a matter pending before the Committee, he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which he or she has a private interest, in compliance with the City's Code of Ethics.

Section 4.08 Vacancies. A member of the Committee may be removed pursuant to ~~OCCG~~**the Official Code of the City of Great Falls (OCCGF) 2.23.020.**

PART V. Presentation of Complaint to the Committee

Section 5.01 Procedures- for Hearing of Complaint. The general procedure by which items are handled by the Committee Members ~~at other than public hearings~~ shall be as follows:

1. The presiding officer or staff member presents the item to the Committee along with a brief summary of the matter for discussion, with or without ~~the presiding officer's recommendation.~~
2. Comments from the applicant **Complainant** or applicant's representative, **will then be heard by the Committee.**
- ~~2.3.~~**3. Comments from the Subject of the Complaint, or representative, will then be heard by the Committee.**
- ~~3.4.~~**4. For the purpose of clarification and after recognition by the presiding officer, Committee Members may direct questions about the item to the presiding officer or staff member.**
- ~~4.5.~~**5. After recognition from the presiding officer, the Committee may direct questions to the applicant staff member, Complainant and/or the Subject, or representatives.**
- ~~5.6.~~**6. The presiding officer will then invite members of the audience public to present or submit testimony beginning with those in favor support of the proposal complaint, followed by those who oppose the proposal complaint and concluding with those who neither favor nor oppose the proposal complaint.**
- ~~6.7.~~**7. All testimony shall be directed to the presiding officer.**
- ~~7.~~ ~~The Committee may, upon a proper motion and second, vote on the matter or table the matter until a date certain.~~

PART VI. Public Hearings

~~Section 6.01 Procedures.~~ The Committee shall conduct public hearings as required by law. Public testimony will be presented to the Committee in the same format as described in PART V above, except that witnesses may be required to testify under oath as provided by law in which case the Committee shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall, with advice from the City Attorney/legal counsel, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Committee. Additionally, the following rules of procedure shall apply:

- ~~1.~~ The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
- 8. The presiding officer will allow staff the opportunity to respond to the public comment.**
- 9. The presiding officer will allow the Subject, or representative, the opportunity to respond to the public comment.**
- 10. The presiding officer will allow the Complainant, or representative, the opportunity to respond to the public comment.**
- 8.11.** Following the presentation of all testimony and evidence, the Committee may **by motion:**
 - (1) Continue the hearing to a date certain to allow additional information to be submitted to the Committee;
 - (2) Close the public hearing and proceed to Committee debate ~~of~~ **and vote on** the matter;
 - (3) Continue the Committee debate and vote to a date certain.
- ~~2.~~ A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Committee, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

PART ~~VII~~.VI Guide for Public Participation

Section 76.01 Guidelines for Public Participation. The following guidelines shall serve to ensure reasonable and fair public participation in the decisions of the Ethics Committee.

1. The public shall be invited to speak on any item under consideration by the Committee after and only after recognition by the presiding officer.
- 2. Public comments shall be related to matters at hand, or to those within the Committee's jurisdiction, and shall not be irrelevant or unduly repetitious communications or other disruptive behaviors which disrupt, disturb or impede the orderly conduct of the meeting.**
- ~~2.3.~~ The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
- ~~3.4.~~ Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. ~~Prepared statements that are also read, however, shall be deemed unduly repetitious.~~ All prepared statements shall become a part of the permanent record.
- 4.5.** While the Committee is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Committee nor disturb any member of the public or of the Committee while speaking or refuse to obey the orders of the presiding officer of the Committee.

5-6. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Committee by the presiding officer, unless permission to continue be granted by a majority vote of the Committee.

Section 76.02 Minutes and Records. The City Clerk or designee shall attend all official meetings of the Committee and document all proceedings in legally appropriate minutes as set forth in Mont. Code Ann. § 2-3-212.

All City boards, commissions, councils and committees are subject to the State of Montana records retention policy. The City Clerk or designee will handle retention of agendas, agenda packet material, minutes, and other meeting material. Correspondence, including email, and other records or documentation in written or electronic format pertaining to Committee business, shall be kept and maintained pursuant to the applicable retention laws and regulations.

Rules and Procedures for Governing Ethics Committee

PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the Great Falls Ethics Committee (Committee). These rules of procedure are intended to ensure that the Committee can accomplish its work efficiently, openly and with reasonable opportunity for the public to participate in the deliberations and decisions of the City's governmental agencies.

Section 1.02 Authority. These rules of procedure are promulgated pursuant to and supplement Title 2, Chapter 21, of the Official Code of the City of Great Falls, as well as Mont. Code Ann. Title 1, Chapter 1, Part 41; Title 7, Chapter 5, Part 41; Title 2, Chapters 2 and 3.

PART II. Public Participation

Section 2.01 Policy. It is the policy of the Committee that the public shall be afforded reasonable opportunity to participate in its operation prior to the final Committee decision concerning any matter of significant interest to the public.

Section 2.02 Open Meetings. A meeting of the Committee is convened whenever a quorum of Committee members will hear, discuss or act upon any matter over which it has jurisdiction. All meetings of the Committee shall be open to the public. However, the presiding officer of the Committee may close any meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and in that event, the meeting must be open.

Section 2.03 Notice. The Committee shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the Committee shall be publicly posted no later than 48 hours prior to the meeting.

Section 2.03 Public Posting Board. The Committee designates the Great Falls Civic Center posting board and City of Great Falls' website as its official posting places.

PART III. Procedures

Section 3.01 Quorum. A quorum of the Committee shall consist of two Committee members. No meeting of the Committee shall be convened without a quorum and no decision of the Committee on any matter shall be made except by the affirmative vote of two members.

Section 3.02 Appointment of Officers. As soon as practicable after its creation, the Committee shall meet and organize by electing from its members a Chairperson and a Vice Chairperson. Thereafter, at its first meeting in each year, the Committee shall elect from its members a Chairperson and Vice Chairperson. The Chairperson shall act as the presiding officer. The Vice Chairperson shall have authority to act as Chairperson of the Committee during the absence or disability of the Chairperson.

Section 3.03 Staff Liaison. City staff from the City Manager’s Office will assist the Committee with preparing, posting and advertising Committee meeting agendas; City Clerk’s Office will assist with taking minutes, recording or televising meetings, and retention of records; and, the Legal Department/legal counsel, will assist the Committee with the development of its recommendations.

Section 3.04 Complaint and Response statements.

1. All ethics complaints shall specifically identify the complainant, the subject of complaint (person being complained about), and provide a detailed bases for the complaint, specifically identifying all laws, regulations or codes which are alleged to be violated and providing a detailed description of the alleged violation. Complainants shall also attach all supporting documentation and/or other information supporting the complaint.
2. Upon receipt of a complaint subject to Committee evaluation, the person who is the subject of that complaint (Subject) shall be provided a copy of the complaint in a timely manner and may respond if they wish. All response statements shall:
 - a. provide a detailed description and response to each alleged violation,
 - b. include all supporting documentation and/or other information supporting the response, and
 - c. be delivered to the City Manager’s office within 10 business days of the mailing of the complaint to the Subject.
3. All complaints and responses shall identify whether a privacy right is implicated that would require a closed meeting as discussed in Section 3.05 below
4. All complaints and responsive statements from the subject of a complaint shall substantially comply with the attached forms, as applicable, and be submitted to the City Manager’s office.

Section 3.05 Agenda Preparation. All supporting statements and/or material which a Complainant or Subject intends to provide to the Committee shall be provided to the City Manager’s Office staff liaison no later than seven business days prior to the meeting when the complaint will be heard. Staff agenda reports, recommendations, and all other matters requiring discussion, or decision by the Committee shall be submitted to staff by 12:00 p.m. (noon) no less than four days immediately preceding the next scheduled meeting of the Committee. The liaison shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda packet (which will include all Complaint and Response Statements) shall be provided to each member of the Committee no later than 48 hours prior to the scheduled meeting. Copies of the agenda and all supporting documentation, except as may be subject to individual privacy claims which outweigh the public’s right to know, shall be readily available to the press and to the public at large. One copy of the Agenda shall be posted on the designated public posting board, and a copy of the agenda packet shall be posted on the City’s website, no later than 48 hours prior to the scheduled meeting.

Section 3.06 Order of Business. The staff shall prepare the agenda in substantially the following form which may be altered by consent of the Committee:

1. Roll Call of the Committee Members
2. Approval of Minutes of the Previous Meeting.
3. Public Comment on anything not on the agenda but within the jurisdiction of the Committee.
4. Scheduled Matters, including New Business, Old Business and other items.
5. Unscheduled Matters: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Committee. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule, no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Committee agenda item.
6. Adjournment.

PART IV. Rules of Committee Participation

Section 4.01 Policy. To provide for the effective participation by all members of the Committee and to protect the right of participation by members of the public appearing before the Committee, all meetings of the Committee shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.

Section 4.02 Rules. Committee debate shall proceed in accordance with the following rules:

1. A Committee Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Committee Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Committee Member while speaking is called to order, he or she shall cease speaking until the question or order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Committee but must be seconded prior to discussion and vote. If the motion is not seconded, it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Committee may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Committee Member of the prevailing side, but may be seconded by any Committee Member and it shall be debatable.

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by the unanimous vote of the entire Committee.

Section 4.04 Majority of Whole Committee Required. The affirmative vote of two Committee Members is required to adopt any measure.

Section 4.05 Duty to Vote. It shall be the duty of each Committee Member to vote in the affirmative or negative on each motion duly placed before the Committee by the presiding officer, except with conflicts

of interest preclude such a vote. A Committee Member may make a brief explanation of the reason why he or she voted in a particular way.

Section 4.06 Proxy Voting. A Committee Member who is not present for the meeting at the time a motion is put to a vote cannot vote. Committee Members shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest. Any member of the Committee who has a private interest, as defined by law or as so advised by the City Attorney/legal counsel, in any matter pending before the Committee shall not participate in the debate, nor vote in that matter, nor seek to influence the vote of members of the Committee, except as otherwise provided by 2-2-201, MCA. If the presiding officer has a private interest in a matter pending before the Committee, he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which he or she has a private interest, in compliance with the City's Code of Ethics.

Section 4.08 Vacancies. A member of the Committee may be removed pursuant to the Official Code of the City of Great Falls (OCCGF) 2.23.020.

PART V. Presentation of Complaint to the Committee

Section 5.01 Procedures for Hearing of Complaint. The general procedure by which items are handled by the Committee Members shall be as follows:

1. The presiding officer or staff member presents the item to the Committee along with a brief summary of the matter for discussion, with or without recommendation.
2. Comments from the Complainant or representative, will then be heard by the Committee.
3. Comments from the Subject of the Complaint, or representative, will then be heard by the Committee.
4. For the purpose of clarification and after recognition by the presiding officer, Committee Members may direct questions about the item to the presiding officer.
5. After recognition from the presiding officer, the Committee may direct questions to the staff member, Complainant and/or the Subject, or representatives.
6. The presiding officer will then invite members of the public to present or submit testimony beginning with those in support of the complaint, followed by those who oppose the complaint and concluding with those who neither favor nor oppose the complaint.
7. All testimony shall be directed to the presiding officer.
8. The presiding officer will allow staff the opportunity to respond to the public comment.
9. The presiding officer will allow the Subject, or representative, the opportunity to respond to the public comment.
10. The presiding officer will allow the Complainant, or representative, the opportunity to respond to the public comment.
11. Following the presentation of all testimony and evidence, the Committee may by motion: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Committee; (2) Close the hearing and proceed to Committee debate and vote on the matter; or (3) Continue the Committee debate and vote to a date certain.

PART VI Guide for Public Participation

Section 6.01 Guidelines for Public Participation. The following guidelines shall serve to ensure reasonable and fair public participation in the decisions of the Ethics Committee.

1. The public shall be invited to speak on any item under consideration by the Committee after and only after recognition by the presiding officer.
2. Public comments shall be related to matters at hand, or to those within the Committee's jurisdiction, and shall not be irrelevant or unduly repetitious communications or other disruptive behaviors which disrupt, disturb or impede the orderly conduct of the meeting.
3. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
4. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. All prepared statements shall become a part of the permanent record.
5. While the Committee is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Committee nor disturb any member of the public or of the Committee while speaking or refuse to obey the orders of the presiding officer of the Committee.
6. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Committee by the presiding officer, unless permission to continue be granted by a majority vote of the Committee.

Section 6.02 Minutes and Records. The City Clerk or designee shall attend all official meetings of the Committee and document all proceedings in legally appropriate minutes as set forth in Mont. Code Ann. § 2-3-212.

All City boards, commissions, councils and committees are subject to the State of Montana records retention policy. The City Clerk or designee will handle retention of agendas, agenda packet material, minutes, and other meeting material. Correspondence, including email, and other records or documentation in written or electronic format pertaining to Committee business, shall be kept and maintained pursuant to the applicable retention laws and regulations.



ETHICS COMPLAINT

Name of Complainant: _____
Complainant's Address: _____
Complainant's Phone Number: _____ Email address _____

Subject of Complaint (person you are complaining about):
Name: _____
Title: _____

<p>BASES FOR COMPLAINT: Please state in detail all laws, regulations or codes which are alleged to be violated, and provide a detailed description of the alleged violation of each law, regulation or code. Attach all documents or other information supporting your complaint.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Please write on the back of this form, or attach additional pages, if you need more space.</p>
--

<p>Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.</p> <p>_____ I am asserting a privacy right and request a closed meeting, for the following reasons:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____ I am not asserting a privacy right and agree to an open meeting.</p>
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By signing this form, I verify that the statements in this Complaint are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature _____ Date: _____

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401



RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): _____
Address: _____
Phone Number: _____ Email address _____
Name of Complainant and Date of Complaint: _____

RESPONSE TO COMPLAINT DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED TO SUBJECT

Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response.

Please write on the back of this form, or attach additional pages, if you need more space.

Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.

I am asserting a privacy right and request a closed meeting, for the following reasons:

I am not asserting a privacy right and agree to an open meeting.

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature: _____ Date: _____

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401