

ORDINANCE 3201

AN ORDINANCE AMENDING TITLE 2, CHAPTER 21, SECTION 080 AND 100, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS ETHICS COMMITTEE DUTIES.

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WHEREAS, the City Commission established Title 2, Chapter 21, of the OCCGF outlining provisions pertaining to the Great Falls Code of Ethics; and

WHEREAS, the City Commission established the Great Falls Ethics Committee 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 the Great Falls Code of Ethics; and

WHEREAS, OCCGF §2.21.080 pertaining to the Committee membership requires the Committee to appoint members for consecutive terms and the City Commission wishes to amend OCCGF §2.21.080 to allow the Ethics Committee to appoint an alternate member in case of member unavailability.

WHEREAS, OCCGF §2.21.100 pertaining to the Committee duties requires the Committee, upon complaint and referral, to make a finding as to whether there is an appearance of a violation, an actual violation, and then make a written recommendation to the City Clerk; and

WHEREAS, the City Commission wishes to amend OCCGF §2.21.100 to allow the Committee to determine with written findings whether a complaint appears to be substantiated, and if so, refer it, for disposition, to the County Attorney, or to the supervisor of a public employee who may be the subject of a complaint.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. OCCGF Title 2, Chapter 21, Section 080 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. OCCGF Title 2, Chapter 21, Section 100 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 3. This Ordinance will become effective thirty (30) days after adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading June 4, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 18, 2019.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3201 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Chapter 21 CODE OF ETHICS

Sections:

2.21.080 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 Commission 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 employees. 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.
- B. The first appointee to the Great Falls 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.

(Ord. 3201; 2019, Ord. 3169, 2017).

2.21.100 Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. **When considering an ethics complaint** ~~Based on the information and testimony presented,~~ 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 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.**

- ~~A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;~~
- ~~B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and~~

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Chapter 21 CODE OF ETHICS

~~C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.~~

(Ord. 3201; 2019, Ord. 3169, 2017).

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