

ORDINANCE 3274

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 21 OF THE
OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF)
PERTAINING TO THE CODE OF ETHICS**

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WHEREAS, the City’s Ethics Committee was created in 2017 to evaluate ethics complaints before forwarding them to the County Attorney; and

WHEREAS, the Ethics Committee has reviewed only three cases since its formation; and

WHEREAS, maintaining the Ethics Committee requires significant use of legal and staff resources for recruitment and training of Ethics Committee members; and

WHEREAS, consideration of matters presented to the Ethics Committee poses ethical and professional challenges for City officials and requires retention of independent counsel at significant cost to the City; and

WHEREAS, a statutory process for handling local government ethics violations already exists, as codified in Mont. Code Ann. §2-2-144.

WHEREAS, additional revisions to Title 2, Chapter 21 include the removal of references to the Housing Authority, following the termination of its management agreement with the City in 2023, and renumbering of sections to ensure consecutive order.

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

Section 1. That Title 2, Chapter 21 of the Official Code of the City of Great Falls (OCCGF) is hereby amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a ~~strike-out~~ and adds language which is **bolded**.

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading May 6, 2025.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading May 20, 2025.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

State of Montana
County of Cascade
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 City Commission, Ordinance 3274 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Lisa Kunz, City Clerk

Chapter 21 CODE OF ETHICS

Sections:

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2.21.040 Definitions.

As used in this ~~section~~ Chapter:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. Member of the City Commission;
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;

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- 14. Human Resources Director;
 - 15. ~~Housing Authority Director~~; or
 - 165. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

(Ord. 3274, 2025; Ord. 3183, 2017; Ord. 3169, 2017).

2.21.050 Ethical standards.

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

- A. No officer or employee of the City of Great Falls shall have an interest, **as defined in this Chapter**, 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 or employee 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 or employee 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 or employee 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 or employee, 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 or employee 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~~ **has an interest**;
- G. No officer or employee, 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 Great Falls; 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 themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer 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;

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- 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 or employee, 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 or employee 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 City Manager;
 - L. No officer or employee 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 or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
 - N. All officers or employees 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 or employees shall be sensitive and responsive to the concerns and questions of the public; and
 - P. All officers, 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 City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.~~

(Ord. 3274, 2025; Ord. 3169, 2017).

~~2.21.060 Great Falls Ethics Committee established.~~

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

(Ord. 3274, 2025; Ord. 3169, 2017).

~~2.21.070 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.

(Ord. 3274, 2025; Ord. 3169, 2017).

~~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. 3274, 2025; Ord. 3201; 2019, Ord. 3169, 2017).

~~2.21.090 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 City Manager or City Attorney. Committee meetings shall be held in the Civic Center 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.~~

(Ord. 3274, 2025; Ord. 3203, 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, 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.~~

(Ord. 3274, 2025; Ord. 3201; 2019, Ord. 3169, 2017).

~~2.21.110~~ 2.21.110060 Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 1. "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree;
 - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
 - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and

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- iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
 - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:
 - i. Husband and wife are of the first degree; and
 - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
 - B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department.
 - C. The above shall include but not be limited to the following:
 - 1. City Commission;
 - 2. Board of Adjustment/**Appeals**;
 - 3. Board of Health;
 - 4. ~~Housing Authority~~;
 - ~~5~~4. Library Board;
 - ~~6~~5. Park and Recreation Board;
 - ~~7~~6. Parking Commission;
 - ~~8~~7. Planning Board and Zoning Commission;
 - ~~9~~8. Police Commission;
 - ~~10~~9. Business Improvement District; **and**
 - ~~11~~10. Tourism Business Improvement District.; ~~and~~
 - ~~12. Great Falls Ethics Committee.~~

(Ord. 3274, 2025; Ord. 3169, 2017).

2.21.120070 Distribution.

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

(Ord. 3274, 2025; Ord. 3169, 2017).