

Handbook Highlight from the Montana Municipal Officials Handbook

2.205 Standards of Conduct for Public Officials

The language adopted by the legislature when enacting the “Code of Ethics” for public officials (a term which includes local elected officials and employees) is instructive:

The holding of public office or employment is a public trust created by the confidence the electorate reposes in the integrity of public officers, legislators and public employees. A public officer, legislator or public employee shall carry out the individual’s duties for the benefit of the people of the state. A public officer, legislator or public employee whose conduct departs from the person’s public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public’s trust ([2-2-103](#), MCA).

Among other enumerated transgressions included in the Standards of Conduct for public officials are the following prohibited activities:

1. Accepting a *gift of substantial value* that would tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of the person’s public duties ([2-2-104](#), MCA). By definition, a gift of substantial value means a gift with a value of \$50 or more for an individual ([2-2-102](#), MCA).
2. Use of public time, facilities, equipment, supplies, personnel or funds for the officer’s or employee’s private business purposes ([2-2-121](#), MCA).
3. Use of public time, facilities, equipment, supplies, personnel or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue ([2-2-121](#), MCA).
4. Participating in a council proceeding when an organization, *including not-for-profit organizations*, of which the public official is an *officer or director* is involved in the council proceeding or is seeking to influence a decision of the

council ([2-2-121\(5\)](#), MCA).

Any one of these and several other prohibited activities are legal and political mine fields that should be absolutely avoided by municipal officers and employees. *Any question about the propriety of engaging in any such activities or similar activities should be addressed by the city attorney prior to initiating the activity.*