

Another option for Article 10 --

From Ryan Sudbury, Deputy City Attorney:

This is more or less pulled directly from state (MCA 2-2-105) and city (MMC 2.88.070) law, and only modified to the extent something wasn't applicable to the Commission. Nothing else has been added. The benefit to this approach is that if an issue involving a conflict under this section comes up, we can look to other situations from around the state to see how to handle it. That gives us more insight in how to treat issues versus a custom conflict of interest provision that is written and only used by the HPC.

Article 10 – Actual or Potential Conflict of Interest and Avoidance

- A. The requirements in this Article are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of the Commission. Except as provided in subsection (C), a member of the Commission may not engage in any act that is in conflict with the performance of official duties. A member of the Commission shall be deemed to have a conflict of interest if he or she directly or indirectly:
 - a. Acquires an interest in any business or undertaking that the member has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the Commission;
 - b. Is beneficially interested, directly or indirectly, in any matter that may come before the Commission, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein; or
 - c. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to the public generally. These favorable terms may not be solicited from any person doing business, or seeking to do business before the Commission.
- B. A member of the Commission may not, within 12 months following the voluntary termination of office, obtain employment in which the member will take direct advantage, unavailable to others, of matters with which the member of the Commission was directly involved during the term of their office as a member of the Commission. These matters include rules, other than rules of general application, that the member actively helped to formulate and applications, claims, or contested cases in the consideration of which the member of the Commission was an active participant.
- C. When a member of the Commission is required to take official action on a matter as to which the member has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the member of the Commission's influence, benefit, or detriment in regard to the matter, the member of the Commission shall disclose the interest creating the conflict prior to participating in the official action.
- D. A member of the Commission may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the member of the Commission has a substantial personal interest in a competing firm or undertaking.