

## Chapter 1-21

### CODE OF ETHICS

#### Sections:

<b>1-21-01</b>	<b>POLICY</b>
<b>1-21-02</b>	<b>DEFINITIONS</b>
<b>1-21-03</b>	<b>STANDARD OF CONDUCT</b>
<b>1-21-04</b>	<b>DISCLOSURE OF CONFLICTS OF INTEREST</b>
<b>1-21-05</b>	<b>PROHIBITED INFLUENCE AND CONDUCT</b>
<b>1-21-06</b>	<b>EXCEPTION</b>
<b>1-21-07</b>	<b>APPOINTMENTS</b>
<b>1-21-08</b>	<b>TERMS OF OFFICE</b>
<b>1-21-09</b>	<b>PENALTIES</b>

#### Section 1-21-01 POLICY

It is hereby declared to be the policy of Boise City, and the Council hereby finds and declares such policy to be necessary in order to promote and provide efficient and good government, where government is based on the consent of the governed, that the proper operation of democratic government requires the public officials and employees be independent, impartial and responsible to the people, that government decision and policy be made in the best interest of the people, the community and the government, that public office not be used for personal gain, and that the public have confidence in the integrity of its government.

#### Section 1-21-02 DEFINITIONS

As used in this Chapter each of the terms herein defined shall have the meaning given in this Section unless a different meaning is clearly required by the context. All words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural number the singular, unless the natural construction of the sentence indicates otherwise, and the word "shall" is mandatory, not directory:

- A. Business: Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any legal entity;
- B. Business with which he or she is associated: Any business of which the person or a member of his or her household is a director, officer, owner, employer, or holder of more than one percent (1%) of the outstanding stock, and any business which is a client of the person;
- C. City Official: For the purposes of this Chapter a City official is defined as any elected official, employee, any member of a board or commission appointed by the Mayor or City Council, or any agent of the City.

(6347, Amended, 10/05/2004; 4985, Added, 02/10/1987)

#### Section 1-21-03 STANDARD OF CONDUCT

No City official shall knowingly:

- A. Use his or her official position or office to obtain financial gain for him or herself, any member of his or her household, or any business with which he or she or a member of his or her household is associated.
- B. Use or disclose confidential information gained in the course of or by reason of his or her official position or activities in any way that could result in financial gain for him or herself or for any other person.
- C. Accept any valuable gift, whether in the form of service, loan, thing or promise from any person or business which is interested directly or indirectly in any manner whatsoever in business dealings with the City; provided, however, any City official who is a candidate for public office may accept campaign contributions and services in connection with such campaign. A valuable gift does not include trivial benefits not to exceed the value of fifty dollars (\$50.00) incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.
- D. Violate the fiduciary duty owed to the City under this standard of conduct. The fiduciary duty is defined as a duty to act for the benefit of the citizens of the City of Boise, while subordinating one's personal interest to those of the City as a whole. When an employee expends any resources of the City, this duty requires that the expenditure be reasonable, prudent, and for the benefit of the City and not for personal gain.

(6348, Amended, 10/05/2004)

**Section 1-21-04 DISCLOSURE OF CONFLICTS OF INTEREST**

For purposes of this section, an actual conflict of interest is defined as a set of circumstances wherein an official would be required to take an action or make a decision that would affect his or her personal financial or pecuniary interests, or those of a member of his or her household, or a business with which he or she is associated. An apparent conflict of interest is one that does not affect an official's personal financial or pecuniary interests, but nevertheless calls into question his or her objectivity and independence. Any City official who has either an actual conflict of interest or an apparent conflict of interest, shall:

- A. If an official other than an appointed or elected member of a Commission, Board or Council, verbally disclose such interest to the Mayor (or if such official is the Mayor, then to the City Council), who may require the assignment of the matter creating the conflict to another official of the same department of the City who does not have a conflict of interest, or determine such conflict de minimus, as defined below.
- B. If an appointed or elected member of a Commission, Board or Council, disclose such interest on the records of said Commission, Board or Council and shall disqualify him or herself from participating in any decision or vote relating thereto, unless following such disclosure a majority of the remaining members of such Commission, Board or Council determined by official action at a public meeting of such Commission, Board or Council that such conflict of interest is de minimus, as defined below.

A pecuniary benefit is de minimis if it does not exceed the value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality as defined in Idaho Code § 18-1359. An officer's interest in a

contract is deemed de minimis if it is a remote interest. "Remote interest" means that of a nonsalaried officer of a nonprofit organization; that of an employee of a contracting party where the compensation consists entirely of fixed wages; that of a landlord or tenant of a contracting party; or that of a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party, all as defined in Idaho Code § 59-201A. There is no conflict of interest if the official's personal interest is so remote that it would be unreasonable to question his or her ability to impartially serve the City's best interests.

(Ord. 6570, Amended, 06/12/2007; 6349, Amended, 10/05/2004)

### **Section 1-21-05 PROHIBITED INFLUENCE AND CONDUCT**

- A. No person shall offer or give to a City official, or a member of any official's household, and no City official shall solicit or receive, anything of value, including a gift, favor, service, or promise of future employment, based on any understanding that such official's vote, official action, or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the official in the discharge of his or her duties, or as a reward for the discharge of his or her duties. Any thing of value does not include trivial benefits not to exceed the value of fifty dollars (\$50.00) incidental to personal, professional, or business contracts and involving no substantial risk of undermining official impartiality.
- B. No person shall offer or pay to a City official, and no such official shall solicit or receive, any money in any amount in addition to that received as wages or salary by the official in his or her official capacity, for advice or assistance given in the course of the official's employment or relating to this employment.

(Ord. 6570, Amended, 06/12/2007; 6350, Amended, 10/05/2004)

### **Section 1-21-06 EXCEPTION**

A City official shall not be deemed to have a financial interest in a matter if his or her interest is solely that of a general taxpayer or solely that of a recipient of public services generally provided by the City on the same terms and conditions as if he or she were not an official.

### **Section 1-21-07 APPOINTMENTS**

Appointments to Boards and Commissions of the City shall be made with a view to minimizing potential conflicts of interest described in this Ordinance and no person shall be appointed to any such Board or Commission if his or her potential conflicts of interest are of such a degree that they are likely to substantially interfere with the performance of his or her duties as an official. Appointments to such Boards and Commissions have memberships which approximate the diverse interests of the residents of the City.

### **Section 1-21-08 TERMS OF OFFICE**

The terms of office for each Board and/or Commission shall be provided by Ordinance. Reappointment for a successive term or terms shall be subject to the approval of the Mayor and Council. Prior to the expiration of a term of office, the Board or Commission upon which a member serves may submit a majority recommendation to the Mayor and Council for the reappointment of such member or the appointment of a new member for Council consideration.

**Section 1-21-09 PENALTIES**

Any person or business violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding three hundred dollars (\$300.00) or be imprisoned in the City jail for a period not exceeding six (6) months, or be both so fined and imprisoned.

(3591, Added, 08/12/1974)