



**Boise City Ethics Commission
REQUEST FOR ADVISORY OPINION**

The purpose of the Ethics Commission is to issue advisory opinions related to the Boise City Code of Ethics, Title 1, Chapter 8 and to hear inquiries and issue findings regarding alleged violations of the Code of Ethics. Please mark an "X" beside the section(s) of the Code of Ethics you believe are relevant to the matter you are bringing before the Commission. A description of each of the below code sections is on the adjoining pages.

Section 1-8-3(A)_____	Section 1-8-3(B)_____	Section 1-8-3(C)_____	Section 1-8-3(D)_____
Section 1-8-4(A)_____	Section 1-8-4(B)_____	Section 1-8-5(A)_____	Section 1-8-5(B) _____
Section 1-8-6(A)_____	Section 1-8-6(B)_____	Section 1-8-7_____	

Describe all relevant facts and circumstances in enough detail that the Boise City Ethics Commission can understand the question or concern and issue an accurate opinion. Include all names, relationships, approximate dates, etc. and attach additional sheets as necessary. If you need an advisory opinion on more than one issue, a separate request form must be completed per issue. *Please note, all requests and advisory opinions may be available to the public.*

Requester's name [please print]: _____ Telephone number:_____

The Boise City Ethics Commission meets at 3:30pm on the second Thursday of odd numbered months in the Warm Springs conference room in Human Resources. Please plan to attend the meeting in order to respond to any clarifying questions the commission may have regarding your request for advisory opinion.

Sections of the Code of Ethics

No city official shall knowingly:

1-8-3(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.

1-8-3(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. (Ord. 53-15, 12-8-2015)

1-8-3(C) – Accept any valuable gift, whether in the form of service, loan, thing or promise from any person or business that is interested directly or indirectly in any manner in a business dealing with the city if that city official has any discretionary function related to the business dealing; provided, however, any city official who is a candidate for public office may accept campaign contributions and services in connection with such campaign. Gifts of any kind shall not be accepted where there exists a substantial risk that the gift would undermine official impartiality. (Ord. 53-15, 12-8-2015; amd. 2019 Code)

1-8-3(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. (Ord. 53-15, 12-8-2015)

1-8-4(A) – Conflict Of Interest Defined: For purposes of this section, an actual "conflict of interest" is defined as a set of circumstances wherein a city 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 a city 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:

1. If a city official, other than an appointed or elected member of a commission, board or council, verbally discloses such interest to the Mayor (or if such city official is the Mayor, then to the City Council), who may require the assignment of the matter creating the conflict to another city official of the same department of the city who does not have a conflict of interest, or determine such conflict de minimus, as defined in subsection B of this section.
2. If an appointed or elected member of a commission, board or council, discloses 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 in subsection B of this section.

1-8-4(B) – De Minimis Conflict Defined: 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 section 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 non-salaried 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 section 74-502. There is no conflict of interest if the city 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. 31-15, 7-28-2015)

1-8-5(A) – Valuable Gift: No city official shall solicit or receive any valuable gift, or anything of value, including favors, services or promises of future employment, based on any understanding that such city 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 city official in the discharge of his or her duties, or as a reward for the discharge of his or her duties.

1-8-5(B) – Money: No person shall offer or pay to a city official, and no such city official shall solicit or receive, any money in any amount in addition to that received as wages or salary by the city official in his or her official capacity, for advice or assistance given in the course of the city official's employment or relating to the employment. (1952 Code § 1-21-05)

1-8-6(A) – Requirement: No public official having any discretionary function to perform in connection with an expenditure, purchase, sale, or contract shall have any personal beneficial interest, either directly or indirectly in such expenditure, purchase, sale, or contract made by the city or in any firm, corporation or association that furnishes or bids on such purchase, sale or contract.

1-8-6(B) – Standard of Conduct: Every officer, employee or agent of the city is expressly prohibited from knowingly:

1. Underestimating or exaggerating requirements to certain prospective bidders in order to influence bids.
2. Misrepresenting a competitor's prices, quality or service to obtain concessions.
3. Splitting invoices or orders, etc., to avoid the competitive bid requirements of Idaho Code and City of Boise ordinances. (Ord. 53-15, 12-8-2015)

1-8-7 – 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.