

CITY *of* BOISE

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# ETHICS HANDBOOK

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# OVERVIEW

## WHY HAVE A CODE OF ETHICS?

City employees, officers, appointed and elected officials can influence the public's confidence and trust in Boise City government. You not only provide services to the public, but you are also a very visible representative of the city. With this in mind, the city has adopted this Code of Ethics ("Ethics Code") to foster confidence in city government. This document explains which actions are allowed and which are a breach of the public's trust. We must preserve the public's trust because it is central to the effective operation of any government.

A code of ethics describes the general value system, ethical principles, and specific ethical rules chosen by an organization. The city has broadly written standards of ethical conduct. These cover several areas, such as:

- Compliance and laws
- Confidential and proprietary information
- Conflicts of interest
- Use of city assets
- Accepting or providing gifts, gratuities, and entertainment

A code also serves as a key reference tool. You can use it to locate the laws of the city, but a code is not meant to stand alone.

The purpose of this Ethics Handbook is to increase your awareness and understanding of the ethical conduct required of you by your position with the city. It is a convenient summary of the Ethics Code. It also provides you with information about how to seek advice from the city's Ethics Commission. This Ethics Handbook is not intended to be a substitute for the Ethics Code.

## TO WHOM DOES THE ETHICS CODE APPLY?

The Ethics Code applies to the Mayor, the City Council, all Boise City employees (any individual drawing a salary from the city and any non-compensated individual who performs personal services for the city), any elected or appointed official, any member of a board or commission appointed by the Mayor or City Council, or any agent of the city. See Boise City Code §§ 1-8-2 (Appendix A).

## WHERE CAN I FIND HELP?

If you don't know whether or not a particular action (or inaction) violates the Ethics Code or if you believe a violation has occurred, you have several options:

- Review the Ethics Code included as Appendix A;
- Meet with your immediate supervisor, a Human Resource representative or someone from the City Attorney's Office to seek guidance; OR
- Request an Advisory Opinion from the Ethics Commission included in Appendix E.

# ETHICS COMMISSION

## WHAT IS THE ETHICS COMMISSION?

The Ethics Commission (“Commission”) is committed to helping Boise City employees and officials (elected or appointed) comply with the Ethics Code.

The Commission has five volunteer members: two appointed by the City Council, two appointed by the mayor, and an employee of the city appointed by the other four Commission members once they are established.

The Commission’s purpose is to issue Advisory Opinions, hear inquiries and issue findings and recommendations regarding alleged violations. See Appendix B, City Code related to the Ethics Commission.

You are encouraged to contact the Commission if you have any questions about the Ethics Code or the procedures for filing a Request for Advisory Opinion or Inquiry. See Appendices E and F. The city encourages its employees to work with their supervisor through the problem-solving process or to utilize other employees, human resources or the city attorney’s office. However, if none of these options are comfortable, you may contact the Commission directly.

Anytime you have questions about whether a specific situation or action violates the Ethics Code, you should file a Request for Advisory Opinion with the Commission. You are always free to make this request directly to the Commission, with or without permission from your supervisor, department head, human resources or the city attorney’s office.

The Commission can be reached at:

Boise City Ethics Commission  
150 N. Capitol Blvd.  
P.O. Box 500  
Boise, ID 83702

You may also visit our website at: [cityofboise.org/ethics-commission](http://cityofboise.org/ethics-commission)

Employees can refer an issue to the Commission for possible review by calling the 24-hour Ethics Hotline at 208-972-8108. Callers may choose to remain anonymous although doing so may limit the Commission’s ability to fully investigate an issue.

# CONFLICTS OF INTEREST

The residents of Boise expect you to act for their benefit and not favor a few individuals or yourself. Conflict of interest situations often come up during the course of public service. As a general rule, you should avoid situations where your private interests—financial or otherwise—may affect or appear to affect your objectivity, independence, or honesty in performing your official duties.

## WHAT IS A CONFLICT OF INTEREST?

A conflict of interest is defined as an actual conflict of interest when you might take an action or make a decision that would affect your financial interests, those of a family member, or a business with which you are associated.

An apparent conflict of interest is one that does not affect your financial interests but does call into question your objectivity and independence.

## HOW DO I KNOW IF I HAVE A CONFLICT?

A conflict of interest happens when you could be torn between serving the best interests of the city and the best interests of yourself. Boise City Code identifies both actual (or financial) conflicts and apparent (or personal) conflicts. See Boise City Code § 1-8-4 (Appendix A).

Actual conflicts of interest involve conflicts that “actually” violate Idaho law. See Idaho Code §§ 59-703 and 59-704. “Pecuniary” interests are financial or monetary interests. For an actual conflict to exist under state law, two things must be involved: 1) you must take an official action, decision, or recommendation; and 2) the effect of your action, decision, or recommendation would be a private pecuniary benefit to you as the decision-maker, to your family, or to your business. See Idaho Code § 59-703(4); see also Boise City Code § 1-8-4 (Appendix A). State law only concerns itself with conflicts that involve pecuniary benefits.

The Boise City Code takes further steps to protect the integrity of the process and to ensure public accountability. City Code prohibits conflicts of interest that raise questions about your objectivity and independence. City Code defines these conflicts as apparent conflicts. See Boise City Code § 1-8-4 (Appendix A).

## WHAT DO I DO IF I HAVE A CONFLICT OF INTEREST?

If you have either an actual conflict of interest or an apparent conflict of interest, what you do depends on whether you are an employee or an elected or appointed official.

- If you are an employee, you must verbally disclose your conflict of interest to your department head. The department head should discuss with Legal, Human Resources, and possibly the Mayor or the Council. All steps necessary should be taken to prevent you from having to deal with the conflict.
- If you are an appointed or elected official, you must verbally disclose your conflict of interest on the record and disqualify yourself from the decision and/or vote. After that, a majority of the other members of the Commission, Board, or Council may vote that your conflict is “de minimis” as described in the next section.

## WHAT DOES “DE MINIMIS” MEAN?

“De minimis” has a particular legal definition in Idaho Code § 18-1359. Any financial benefit is de minimis if:

- It is less than \$50 from a personal, professional, or business contact; and
- It does not undermine your impartiality.

Your interest in a contract would be de minimis if it is a “remote interest.” As defined in Idaho Code § 59-201(A), remote interest means that your interest is because you are:

- An unpaid officer of a non-profit organization;
- An employee of a party that contracts with the city and your compensation is fixed wages only;
- A landlord or tenant of a party that contracts with the city; or
- A holder of less than one percent (1%) of the shares of a business that contracts with the city.

An apparent conflict is de minimis if your personal interest is so small that it would be unreasonable to question your impartiality.

# GIFTS

## WHAT IS A GIFT?

A gift is anything of value you receive without giving anything in return. A gift may include meals, tickets to events, travel expenses, honoraria (gifts or money paid in exchange for you to speak or train others at a conference), services, loans, rebates, and discounts (unless offered to the public or all city employees, officers, and officials on the same terms and conditions). See Boise City Code § 1-8-3 (Appendix A).

The Ethics Code further defines a valuable gift as any gift with a value in excess of \$50, and any gift with a value of less than \$50 where the item is durable and/or transferable and is offered within six (6) months of similar gift(s). The purpose of this definition is to ensure that employees do not seek nor receive multiple gifts totaling more than \$50 over a relatively short period of time. See Boise City Code § 1-8-2 (Appendix A).

## WHICH GIFTS DO I HAVE TO REFUSE?

You, or your immediate family members, cannot accept a gift if:

- You asked for the gift for any reason
- The gift is related to your position as an employee or official
- The giver expects (or a reasonable person could assume they expect) to influence your vote, action, or judgment
- The gift has a value which exceeds \$50
- The gift has a value of less than \$50, but there is a risk that the gift would undermine (or seem to undermine) your impartiality
- The gift has a value of less than \$50 but it is durable and/or transferable and has been offered within six (6) months of a similar gift
- It is cash in any amount

Gifts from friends or family are excluded, but you need to be careful if that friend or family member does business with the city.

## WHY?

Because such gifts might lead you to favor, or appear to favor, the giver. You should perform your official duties without being influenced, or seeming to be influenced, by gifts.

## WHICH GIFTS CAN I ACCEPT?

You and members of your immediate family may accept a gift if:

- You didn't ask for the gift
- The gift's value is less than \$50
- The giver doesn't expect to undermine your impartiality
- A reasonable person would not assume that it would undermine your impartiality as defined in Idaho Code § 18-1359. See also Boise City Code § 1-8-3(C) (Appendix A).
- The gift is from a friend or family member and has nothing to do with your position
- The gift is from an individual with whom you had a preexisting relationship not related to your position with the city



# EMPLOYMENT

As a public servant, you must act in the best interests of the city. You should not take any action that would even appear to conflict with your duties as a city employee, officer, or official. See Boise City Code § 1-8-3 (Appendix A).

## CAN I TAKE OUTSIDE JOBS WHILE I'M WITH THE CITY OF BOISE?

Maybe. You may work a second job as long as it does not undermine your position or conflict with or detract from your responsibilities to the city as determined by your supervisor or department head. You also must continue to be productive and to meet the performance standards for your job.

Before you accept a second job, you should think seriously about how the extra work may affect the limits of your endurance, personal health, and job effectiveness. If you hold an outside job, you still will be expected to meet the same standards of performance and job demands as someone who only works for the city.

## CAN I HIRE AND/OR SUPERVISE AN IMMEDIATE FAMILY MEMBER?

No. That would violate Boise City Code and give you and your family member an inappropriate benefit. See Boise City Code § 1-8-3 (Appendix A). State law also prohibits you from hiring or appointing anyone who is related to you by blood or marriage. See Idaho Code § 18-1359.

# PENALTIES FOR VIOLATING THE LAW

If the Ethics Commission finds you have violated the Ethics Code, it may notify your supervisor or department head of the violation. If you are an employee or official, your supervisor or department head will determine which penalty is appropriate after consulting with the city attorney. For an elected officer, the mayor, city council and/or the Ethics Commission may recommend you take no further action on the matter or even may adopt a resolution reprimanding you.

You must follow Advisory Opinions issued by the Commission. If the Commission has reason to believe that you have not complied, it shall tell you, your supervisor, your department head, and the city attorney. Your supervisor or department head shall take appropriate action to ensure your compliance, after consulting with the city attorney. See Boise City Code § 2-12-2 (Appendix B).

If you violate the ethics portion of Boise City Code, you are committing a misdemeanor. You can be fined up to \$300, can go to jail for up to six months or both. See Boise City Code § 1-8-9 (Appendix A).

If you violate Title 18 of the State Code, you are committing either a misdemeanor or you are committing a felony. See Appendix D.

If you violate the ethics portion of Title 59 of the State Code, or a civil offense and can be fined up to \$500. See Idaho Code § 59-705.

# WHISTLEBLOWER PROTECTION POLICY

## DEFINITIONS

### ADVERSE ACTION

To discharge, threaten, or otherwise discriminate against you in any manner that affects your employment.

### GOOD FAITH BELIEF

A belief with a reasonable basis in fact. Good faith is lacking if you know or should have known that you are making a malicious, false or frivolous report.

### WASTE

An unreasonable use, abuse, or mismanagement of city funds, property or manpower.

## REPORTING WASTE, UNSAFE ACTS OR VIOLATIONS OF LAW OR POLICY

The city encourages you to report in good faith the existence of waste, unsafe acts or violations or suspected violations of law or policy. See Boise City Employee Policy Handbook 1.05. The city will not take adverse action against you when, in good faith, you report situations that you feel waste public funds, property or manpower or an unsafe act. You also will not be punished for reporting a violation or suspected violation of any law or policy. You should report your concerns in a way that lets the city fix the problem as quickly as possible.

The city expects its employees to fully cooperate with investigations when it receives a complaint. The city will not take adverse action against you when you participate or give information in an investigation, hearing, court proceeding, legislative or other inquiry, or other forms of administrative review.

## REPORTING PROCEDURE

You have several options to report waste, unlawful conduct, or policy violations. You may contact one or more of the following:

- Supervisor
- Department Head
- Human Resources
- City Attorney's Office
- Mayor's Office
- City Council

You also may use the City's Ethics Hotline (208-972-8108) or the formal written process.

## RETALIATION PROHIBITED

This policy strictly prohibits any retaliation against you when you communicate in good faith the existence of waste of public funds, property or manpower, or a violation or suspected violation of law or policy. If you harass or retaliate against someone who has reported a concern, you shall be subject to disciplinary action up to and including termination. You also may be subject to civil fines under Idaho's Protection of Public Employees Act. See Idaho Code §§ 6-2101 through 6-2109.

## KNOWINGLY FALSE COMPLAINTS

Knowingly filing a false complaint may be a criminal violation and may be prosecuted. If you file a complaint that you reasonably believe to be true and a later investigation shows that it was false, the city will not take action against you.

# ADMINISTRATIVE INVESTIGATIONS

If an administrative investigation uncovers credible evidence of a crime under Idaho state law, the investigation must immediately stop and be referred to the appropriate law enforcement agency for their investigation and/or prosecution. You will not ever be required to conduct an administrative investigation against your own supervisor.

## PROCEDURES

The Ethics Commission has adopted Rules of Procedure to follow for cases before the Commission. See the Rules of Procedure (Appendix C) and Ethics Commission Investigative Flowchart (Appendix G).

## WHAT IS A REQUEST FOR ADVISORY OPINION?

A Request for Advisory Opinion is a written request by someone asking the Ethics Commission whether or not some conduct, or proposed conduct, would violate the Ethics Code. Like the Code itself, a Request for Advisory Opinion is a tool for you to use in making ethical choices. See Request for Advisory Opinion Form (Appendix E).

## WHO CAN ASK FOR ONE?

Any current employee or elected or appointed official may request an Advisory Opinion from the Ethics Commission.

## HOW DO I REQUEST AN INQUIRY?

An inquiry is a written request asking the Ethics Commission whether or not a current elected or appointed official, or employee has failed to comply with the ethics code. The Ethics Commission cannot consider actions that occurred more than one year before the Inquiry was filed. Anyone can submit an Inquiry, but it must be on the approved form and filed with the City Clerk. See Inquiry Form (Appendix F). The City Clerk will forward the Inquiry through the City Attorney or designee.

To avoid frivolous inquiries, the Ethics Code and the Ethics Commission's Rules of Procedure require that inquiries be in writing and signed by the person filing them, with enough information to describe the nature of the alleged violation. The Ethics Commission may immediately dismiss inquiries that are frivolous, or inquiries in which the alleged conduct, if true, would not violate the Ethics Code.

## DO I HAVE TO INFORM MY SUPERVISOR BEFORE FILING A REQUEST FOR AN ADVISORY OPINION OR INQUIRY?

No. The Ethics Code allows you to send your Requests for Advisory Opinions or inquiries directly to the Ethics Commission without notifying your supervisor. Again, the city encourages you to discuss questions regarding the Ethics Code with other employees, your supervisor, Human Resources, and/or the City Attorney's Office, but you are not obligated to do so. The Ethics Commission is solely responsible for official guidance regarding the intent and meaning of the Ethics Code.

*This handbook is intended to provide you with a helpful summary of the Ethics Code. If you have more specific questions, please refer to the Ethics Code and/or contact the Ethics Commission.*

# EXAMPLES:

**I work as a Victim/Witness Coordinator for the Boise Police Department. Can I serve on the board of a non-profit community service organization that receives city funding?**

**Generally, yes.** As a city employee, you can sit on a community board without it being a conflict of interest under the Ethics Code. There would be an actual conflict of interest only when you took an action that affects your own financial interests or those of your family. There would be an apparent (non-financial) conflict of interest only when your personal interests are big enough that a reasonable person would question your ability to impartially serve the city's best interests. However, make sure that you are in no way involved in city decisions about the non-profit's grants, administration, or application process. You also should not supervise the program if it is funded by the city.

**I am a purchasing agent. My spouse is vice-president of a construction company that has bid on a city job. It is possible I will analyze and recommend acceptance of the contract. Do I have a conflict of interest?**

**Yes,** if you analyze and are in a position to recommend approval of the contract. To avoid a conflict, you must disqualify yourself and step aside from any proposed or actual contract with your spouse's company. You must play no role whatsoever in recommending, discussing, monitoring, or impacting such a contract or supervising anyone who does.

**I work for the Department of Parks and Recreation and have been invited to attend (and represent my department at) an awards luncheon held by a local non-profit organization. Can I accept their offer to pay for my lunch?**

**Yes,** as long as the cost of your lunch does not exceed \$50, and the non-profit does not expect to influence your work for the city.

**I am a police officer who also is representing the Idaho Peace Officer's Memorial. I have been asked to go to different vendors and ask for donations for a door prize. Some of these vendors do business with the city, but I am not involved in making a decision about using them at work. Am I allowed to ask for donations from them?**

**Yes.** Again, you are not asking for money for yourself. You are asking for money for an organization. However, if you did make decisions about which vendors to use, you should not be approaching them for donations, even on behalf of another organization.

**I am researching what photocopier we will purchase for our department this year. One of the vendors sent me a huge bouquet of flowers, easily in excess of \$50. Can I accept the flowers?**

**No.** This vendor is obviously interested in doing business with the city and probably is hoping to influence your choice for the photocopier. You may not accept the flowers.

My best friend from high school now works for a company that does business with my department. He owns a jet boat and has invited me to go on a week-long jet boat and camping trip. May I go?

Yes, because you have a pre-existing relationship with your friend that has nothing to do with work.

My next-door neighbor belongs to Hillcrest Country Club. He also is employed by a company that does business with my department. He has invited me and my wife to play golf but refused to let me pay for the round because it is included in his monthly dues. I don't know the value, but I am sure it exceeds \$50. May I accept his offer?

Yes, because again, you have a pre-existing relationship with your neighbor outside of work.

I am an employee of the Public Works department. My daughter wants to work at Borah Pool during the summer. Is she allowed to work for the Department of Parks and Recreation even though I am a City employee?

Yes, since you and she will be in different departments and you don't have any responsibility over her.

I am an employee of Planning and Development Services. My adult son has just accepted a position with a company that does work for our office. Is this a problem?

**That depends.** If you make decisions about whether to use that company or another, this probably is a conflict of interest, and you should notify your department head. Your department head should take steps to prevent you from having to deal with that company or its competitors. If you do not make those decisions, this would not be a conflict.

Every year, law firms send food baskets or popcorn barrels during the Christmas season to the Legal Department. The department has contracts with many of the firms, and the others probably will compete for future contracts. Can the department accept the gifts, even though the value is in excess of \$50?

Yes. Although the firms do business or want to do business with the department, if they send the gift to the department, not a specific individual, you may accept it so long as it is not a clearly excessive gift.

I am a police officer who has been offered 20 free tickets to a local performance from a company that does business with the Boise Police Department. May I accept them?

The Ethics Commission recommends that if a city department or program receives unsolicited tickets, especially from a company that does business with the city, that the city return the tickets with a request that they be given to the community.



An employee of the Fire Department has become seriously ill and is facing catastrophic health care expenses. Several family friends have opened a savings account and are soliciting donations on this person's behalf. A vendor that has done business with the employee at work wants to donate \$200 to the account to help with the costs. Can it be accepted?

**Yes.** When donations or gifts come as a charitable act or as an expression of sympathy, they may be accepted.

I am an electrician for the city. The city has a contract with a lighting company that sells General Electric (GE) lighting products. GE is offering a free lighting training in Cleveland, Ohio and has offered to pay travel and lodging for one person from the lighting company to attend the lighting school. The lighting company passed the offer on to me. May I accept the offer?

**No.** You can attend the training provided by GE because there is no cost for the training. However, you cannot accept the travel and lodging from the lighting company because the city has a direct business relationship with them and the value of the trip would exceed the \$50 gift limit.

I am a part-time, unpaid volunteer at the city's Boise Train Depot and also a local artist. May I submit a proposal for paid artwork with the city while continuing to volunteer for the Train Depot?

**Most likely.** The Ethics Code prevents employees, which includes any non-compensated individuals who perform personal services for the city, from having a personal beneficial interest in any city expenditure, purchase, sale or contract. However, the full City Council or Ethics Commission may waive compliance with this provision if the individual receives no salary or fee as compensation for the services provided to the city, there is no actual conflict of interest, the award/contract serves the best interest of the city and does not violate any State laws or City Code.

I am an employee for the Information Technology Department. May I purchase a truck that has been declared as surplus property by the City of Boise?

**No.** City officials or employees may not purchase surplus property of the city.

## APPENDIX A

### BOISE CITY CODE - TITLE 1, CHAPTER 8 - CODE OF ETHICS

[https://codelibrary.amlegal.com/codes/boiseid/latest/boise\\_id/0-0-0-235](https://codelibrary.amlegal.com/codes/boiseid/latest/boise_id/0-0-0-235)

## APPENDIX B

### BOISE CITY CODE - TITLE 2, CHAPTER 12 - ETHICS COMMISSION

<http://cityclerk.cityofboise.org/media/223320/0224.pdf>

## APPENDIX C

# ETHICS COMMISSION RULES OF PROCEDURE

### I. INTENT

It is the intention of the Boise City Ethics Commission in these Rules of Procedure to establish procedures that are fair to officers, officials, and employees of the City of Boise in the reporting, investigation and resolution of ethics-related questions or concerns. The Ethics Commission extends these procedures and the same sense of fairness to citizens who wish to report possible violations of the Code of Ethics. The Ethics Commission is committed to a procedure that is responsive, open, and consistent so that all who use the process will have confidence in it. These Rules are intended to set forth the procedures to implement the requirements of Title 2, Chapter 12, of the Boise City Code enacted by the Boise City Council on April 15, 2004 and are effective May 1, 2004.

### II. DEFINITIONS

- A. Advisory Opinion – An opinion issued by the Ethics Commission regarding whether past, present or proposed conduct by an official, officer, or employee of the City violates or would violate the provisions of Title 1, Chapter 8, of the Boise City Code or any related provision.
- B. Boise City Ethics Commission (Ethics Commission) – The members of the Ethics Commission appointed by the Mayor, City Council, and Ethics Commission itself for the City of Boise, Idaho, pursuant to Title 2, Chapter 12, of the Boise City Code.
- C. Ethics Commission’s Purview – Those provisions of the Boise City Code contained in Title 1, Chapter 8.
- D. Employee – An individual drawing a salary from the City, whether elected or not, and any non-compensated individual who performs personal services for the City.
- E. Inquiry – Any communication seeking an investigation by the Ethics Commission into the past or present conduct of a named person or persons on either a signed, approved form submitted to the City Clerk or by any other manner which contains the same degree of reliability and detail. At a minimum, such communications shall contain the name(s) and home address(es) of the person(s) seeking such an investigation; the name(s) of the person(s) who is(are) the subject of the investigation; a detailed statement of the facts and reasons why the subject(s) should be investigated; a description of the City code(s) which may have been violated; and a statement that the person(s) requesting such an investigation knows and/or believes such information is true.
- F. Officer – The Mayor, members of the City Council, any and all department heads, City Clerk, City Attorney, Director of the Office of Police Accountability, Director of Internal Audit, City Treasurer, City Budget Manager, and City Purchasing Manager.

- G. Official – any elected official, employee, member of a board or commission appointed by the Mayor or City Council, or any agent of the City.
- H. Referral or Referred Matter - Any communication in any form and from any source intended for the Commission to review for any reason.

### **III. THE ETHICS COMMISSION**

- A. There shall be a Chair and a Vice-Chair elected by the Ethics Commission each year at the first meeting after February 15 or at a meeting as close to that date as practicable.
- B. The Chair, and in the absence of the Chair, the Vice-Chair, shall:
  - i. Preside at all meetings;
  - ii. Administer oaths to or accept affirmations from all persons who wish to testify at hearings;
  - iii. Decide all points of order, procedure, and evidence;
  - iv. Request that the Mayor and City Council issue a subpoena and thereafter relinquish the Chair position to the Mayor or President of the City Council for all hearings where an individual is present pursuant to a subpoena issued in accordance with Boise City Code § 2-12-5 and Idaho Code § 50-216.
- C. In absence of both the Chair and the Vice-Chair, a Chair-Pro-Tem shall be elected by a majority of the members present.

### **IV. MEETINGS**

#### APPENDIX D

##### **STATE CODE**

Link to Idaho Ethics in Government Manual:

<https://www.ag.idaho.gov/?s=ethics+in+government>

#### APPENDIX E

##### **REQUEST FOR ADVISORY OPINION FORM**

Link to the Request for Advisory Opinion Form:

[https://www.cityofboise.org/media/9258/ethics-commission\\_request-for-advisory-opinion-form-012022.pdf](https://www.cityofboise.org/media/9258/ethics-commission_request-for-advisory-opinion-form-012022.pdf)

#### APPENDIX F

##### **INQUIRY FORM**

Link to the Inquiry Form:

[https://www.cityofboise.org/media/9257/ethics-commission\\_inquiryform012022.pdf](https://www.cityofboise.org/media/9257/ethics-commission_inquiryform012022.pdf)

APPENDIX E



CITY of BOISE  
ETHICS COMMISSION

REQUEST FOR ADVISORY OPINION

The purpose of the Ethics Commission is to issue advisory opinions related to the city’s Code of Ethics, Title 1, Chapter 8 of Boise City Code, and to hear inquiries and issue findings regarding alleged violations of the Code. Please mark an “X” beside the section(s) of the Code you believe are relevant to the matter you are bringing before the Commission. A full description of the code sections below can be found on the city’s website: [www.cityofboise.org](http://www.cityofboise.org)

- SECTION 1-8-3 A – USE CITY POSITION FOR PERSONAL FINANCIAL GAIN
- SECTION 1-8-3 B – DISCLOSE CONFIDENTIAL INFORMATION FOR FINANCIAL GAIN
- SECTION 1-8-3 C – ACCEPT ANY GIFT, SERVICE, LOAN, ETC. FROM ANYONE DOING BUSINESS WITH THE CITY
- SECTION 1-8-3 D – VIOLATE THEIR FIDUCIARY DUTY OWED TO THE CITY
- SECTION 1-8-4 A – FAIL TO DISCLOSE ANY POTENTIAL CONFLICTS OF INTEREST
- SECTION 1-8-5 A – ACCEPT ANY GIFT OVER \$50 IN VALUE
- SECTION 1-8-5 B – ACCEPT CASH, IN ANY AMOUNT
- SECTION 1-8-6 A – HAVE ANY PERSONAL BENEFICIAL INTEREST IN CITY SALES, EXPENDITURES, ETC.

Describe all relevant facts and circumstances in enough detail so the Ethics Commission can understand the questions 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.

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REQUESTOR’S PRINTED NAME:: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

The Boise City Ethics Commission meets on the second Thursday of the month in January, March, May, July, September and November at 3:30 PM in the Warm Spring Conference Room in Human Resources, 625 W. Idaho Street. Please plan to attend the meeting to respond to any clarifying questions the Commission may have regarding your Request for Advisory Opinion.

## APPENDIX F



**CITY of BOISE**  
ETHICS COMMISSION

## INQUIRY FORM

To the best of my knowledge, information, and belief formed after reasonable reflection, I believe that the information given in this inquiry is true. I request the Boise City Ethics Commission evaluate the information given here in accordance with the procedures outlined in the Boise Municipal Code, Chapter 2-12.

**PLEASE NOTE:** A copy of the inquiry will be sent to the person who is the subject of the inquiry and may be made available to the public.

NAME: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

**MY INQUIRY IS ABOUT THE FOLLOWING CITY OF BOISE OFFICER, OFFICIAL, EMPLOYEE, OR VOLUNTEER:**

NAME: \_\_\_\_\_ POSITION OR JOB TITLE (IF KNOWN): \_\_\_\_\_

DEPARTMENT/AGENCY: \_\_\_\_\_ WORK TELEPHONE (IF KNOWN): \_\_\_\_\_

WORK ADDRESS (IF KNOWN): \_\_\_\_\_

**PLEASE NOTE:** If you wish to file an inquiry about more than one person, you must file a separate inquiry form (and any attachments) for each person.

Please describe the facts that you believe constitute a violation of the Boise City Code of Ethics in sufficient detail so that the Boise City Ethics Commission and the person who is the subject of the inquiry can understand the nature of the alleged violation. Give as much detail as possible, including names, relationships, approximate dates, etc. Add extra sheets if needed and attach copies of any pertinent documents.

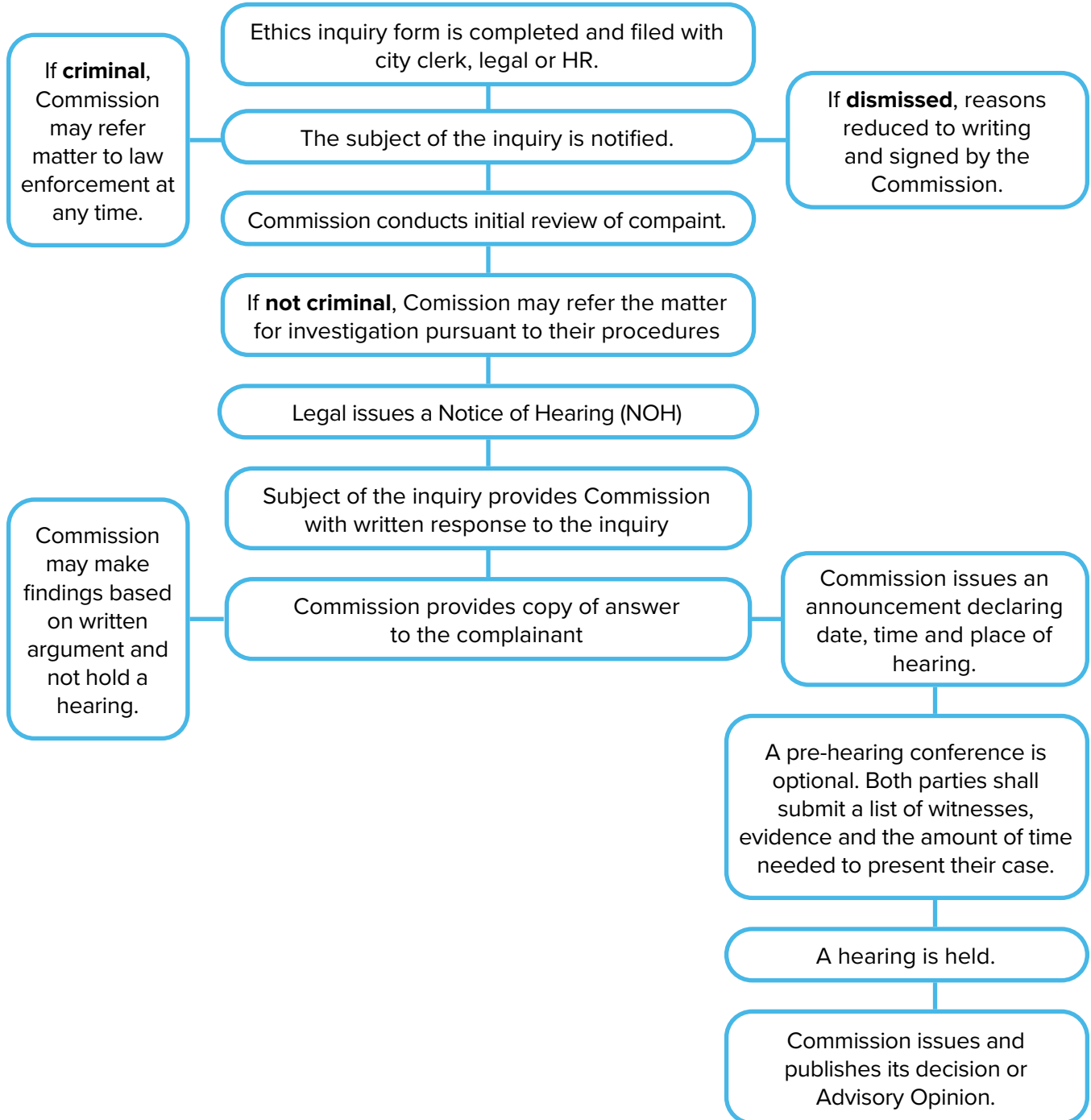


APPENDIX G

# ETHICS COMMISSION INVESTIGATIVE FLOWCHART

The organization is notified of the complaint through a supervisor, department head, HR, legal, mayor, city council, Hotline or Ethics Commission (“Commission”). HR, legal or an outside party may conduct an administrative investigation and issue their findings or the complaint may go directly to the Commission. If an administrative investigation occurs and complainant is not satisfied with the findings, they may go through the Commission.

The following flowchart outlines the ethics complaint process:



## GLOSSARY

### **ACTUAL CONFLICT OF INTEREST**

An action or a decision that favorably impacts the decision-maker's own financial interests.

### **ADVERSE ACTION**

To discharge, threaten or otherwise discriminate against someone in any manner that affects your employment.

### **ADVISORY OPINION**

A written report from the Ethics Commission on whether or not some conduct (or proposed conduct) violates the Code of Ethics.

### **APPARENT CONFLICT OF INTEREST**

An action or decision that calls into question the decision-maker's objectivity and independence.

### **CODE OF ETHICS**

The value system under which an organization conducts business.

### **DE MINIMIS BENEFIT**

Less than \$50 from a personal, professional, or business contact and/or not affecting your impartiality.

### **EMPLOYEE**

An individual drawing a salary from the City, whether elected or not, and any non-compensated individual who performs personal services for the City.

### **ETHICS COMMISSION**

A 5-member board of volunteers which issues Advisory Opinions, hears Inquiries, and issues Findings and Recommendations related to alleged ethical violations.

### **GOOD-FAITH BELIEF**

A belief with a reasonable basis in fact.

### **INQUIRY**

A request for the Ethics Commission to evaluate a situation and determine whether it constitutes a violation of the City's Code of Ethics.

### **OFFICIAL**

Any elected official, employee, member of a board or commission appointed by the Mayor or City Council, or any agent of the City.

### **PECUNIARY**

Financial or monetary.

### **REMOTE INTEREST**

One where you are an unpaid officer or a nonprofit organization; an employee of a contracting party who earns wages only; a landlord or tenant of a contracting party; or a holder of less than 1% interest in a contracting business.

### **VALUABLE GIFT**

Any gift with a value in excess of \$50, and any gift with a value of less than \$50 where the item is durable and/or transferable and is offered within 6 months of similar gift(s). The purpose of this definition is to ensure that employees do not seek nor receive multiple gifts that total more than \$50 over a relatively short period of time. Gifts that are durable and/or transferable do not include food items, meals, and the like.



