

CHAPTER 9

OATH, BONDS AND OFFICIAL CONDUCT

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1-9-1: OATH: Every elective officer of the City, before duty, shall take and subscribe before a person authorized to administer public oaths, an oath substantially in the following form:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, the Constitution and the Laws of the United States, the State of Idaho, and the City of Shelley, and that I will faithfully discharge the duties of (insert office) according to the best of my ability.

Said oath shall be certified by the officer before whom it was taken and the subscribed oath and certification shall be filed with the City Clerk. Such oath of office shall be taken, subscribed and filed within ten (10) days after the officer has notice of his election or appointment, or before the expiration of fifteen (15) days from the commencement of his term of office, when no such notice has been given. The oath may be taken before any officer authorized to administer oaths.

1-9-2: BONDS: Before performing any duties of their respective offices, the

following appointive officers shall furnish an official bond in the following amounts:

Clerk	\$5,000.00
Treasurer	5,000.00
Fire Chief	1,000.00

All officers and employees of the Police Division shall be covered by a blanket bond as follows:

Chief of Police	\$2,000.00
All other police officers or employees	1,000.00

All office employees in the Mayor and City Clerk's office and all building inspectors shall be covered a blanket bond in the amount of five thousand dollars (\$5,000.00). Such bonds shall be approved by the Mayor and Council and shall be filed with the Clerk, except the bond of the City Clerk, which shall be filed with Mayor. The premiums on such bonds shall be paid by the City.

1-9-3: **QUALIFICATIONS OF ELECTIVE OFFICERS:** No person shall hold any elective office unless he or she is a qualified elector of the City at the time of his or her election.

1-9-4: **INTEREST IN CONTRACTS:** No elective or appointive officer of the City shall have any interest in any contract prohibited by state law. No employee of the City shall have any interest in any contract in which he or she shall have any official discretion regarding the execution or administration thereof.

1-9-5: **NEPOTISM:** It shall be unlawful for any elective or appointive officer of the City to appoint or vote for the appointment of any person related to such officer or any of his or her associates in office by affinity or consanguinity within the second degree to any clerkship, office, position, employment or duty when the salary or compensation of such appointee is to be paid out of public funds.

1-9-6: **PAYMENTS UNLAWFUL:** No officer or employee of the City shall pay out of any public funds under his or her control or to draw or authorize the drawing of any warrant or authority for payment out of any public fund, any salary or compensation of a person who is ineligible under the preceding section.

1-9-7: **PAYMENTS FOR PUBLIC SERVICES PROHIBITED:** It shall be unlawful for any officer or employee of the City of Shelley to personally accept payment for any service performed by such employee in the ordinary course of employment.

1-9-8: PUBLIC ACCOUNTS REQUIRED: It shall be unlawful for any elective or appointive officer who receives fees for services, or who receives public monies for safekeeping, to fail to keep a public account in which all receipts of fees or monies are entered. Such account shall also include a statement of whom and on what account such monies or fees are received. It shall also be unlawful for any elective or appointive officer to fail to keep a like account of all disbursements of public monies and to whom and on what account the same were paid.

1-9-9: BRIBERY: It shall be unlawful for any officer or employee of the City to accept any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant or to accept any benefit as consideration for a violation of a known legal duty as a public servant.

1-9-10: COMPENSATION FOR PAST OFFICIAL BEHAVIOR: It shall be unlawful for any officer or employee of the City to accept or agree to accept any pecuniary benefit as compensation for having as a public servant, given the decision, opinion, recommendation or vote favorable to another or for having otherwise exercised a discretion in his favor, or for having violated his duty.

1-9-11: GIFTS TO PUBLIC SERVANTS:

- (A) It shall be unlawful for any officer or employee of the City exercising regulatory functions or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the City, or having custody of a prisoner, to solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody or against whom such litigation is known to be pending or contemplated.
- (B) It shall be unlawful for any officer or employee of the City having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government to solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.
- (C) For the purposes of this section, the term "pecuniary benefit" shall mean any benefit in the form of money, property, or any other thing the primary significance of which is economic gain, but excluding any advantage promised generally to a group or class of voters as a consequence of public measures which such officer supports or opposes.
- (D) This section shall not apply to:
 - (1) Fees prescribed by law to be received by such officer or employee or

any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled;

- (2) Gifts or other benefits on account of kinship or other personal, professional or business relationship independent of the official status of the receiver;
- (3) Trivial benefits incidental to personal or business contacts and having no substantial risk of undermining official impartiality.

1-9-12: **COMPENSATION FOR ASSISTING PRIVATE INTERESTS:**
It shall be unlawful for any officer or employee of the City to solicit accept or agree to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other transaction or proposal as to which such officer or employee knows that he or she has or is likely to have an official discretion to exercise.

1-9-13: **INTEREST IN SALES:** It shall be unlawful for any officer or employee of the City to be a purchaser at any sale made by them in their official capacity, or to act as a vendor at any purchase made by them in their official capacity.

1-9-14: **UNLAWFUL PAYMENT OF WARRANTS:** It shall be unlawful for any officer or employee of the City charged with the disbursement of public monies to pay any warrant or any other evidence of indebtedness when the same has been purchased, sold, received or transferred contrary to the provisions of this chapter.