

ORDINANCE NUMBER 1111

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 2 CHAPTER 2.04 BY ADDING A NEW SECTION WHICH SHALL BE DESIGNATED AS SECTION 2.04.100 AND WHICH SHALL ESTABLISH RULES OF CONDUCT FOR THE MAYOR AND COUNCIL MEMBERS WHO HAVE A CONFLICT OF INTEREST; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; REPEALER; ALLOWING PUBLICATION BY SUMMARY; ESTABLISHING A PENALTY;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Title 2, Chapter 2.04 is hereby amended by adding a new section which shall be designated as section 2.04.100 and which Section shall read as follows:

2.04.100 CONFLICT OF INTEREST. a. Neither the Mayor nor any Council Member may participate in any matter in which they may have a conflict of interest, either by voting or by discussion, unless they have first disclosed the conflict and have been requested to participate in the issue by a majority vote of the members of the Council not having a conflict.

b. Nothing herein shall prevent the Council from asking questions of any person who has declared a conflict of interest nor prevent the Council from releasing the Mayor or a Council Member from a conflict by a majority vote of non-conflicted Members and allowing them to participate without any restrictions.

c. Any person who shall violate this chapter shall be guilty of a misdemeanor, punishable in accordance with the general misdemeanor statutes of the State of Idaho. A violation of this section shall not render a decision made by the Council void, voidable or unenforceable, unless a change in the conflicted member(s) or mayor's vote would alter the outcome of a decision.

d. The definitions of Idaho Code Section 59-703 are adopted by reference. This ordinance shall have no affect upon the rules regarding conflict of interest in zoning matters which are settled by section 67-6506, Idaho Code.

Section 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 3. If any portion of this Ordinance should be found

to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1111.

Section 4. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Section 5. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 18th day of Sept., 1995.

CITY OF PAYETTE

By James E. McQueen
Mayor

ATTEST: John P. Franks
City Clerk