

**1999**

**Annual Report**

from the

**Ethics Commission**

and the

**Ethics Administrator**

to the

**Board of Commissioners, the Mayor**

**and the People**

of

**The Unified Government of Wyandotte**

**County and Kansas City, Kansas**

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## Executive Summary

This report summarizes the first complete year of activity of the Unified Government Ethics Commission and the Office of the Ethics Administrator. The Ethics Commission of the Unified Government was appointed on July 15, 1999. The first meeting of the Ethics Commission occurred on August 25, 1999 and met approximately once a month for the remainder of the 1999 calendar year. During the course of their meetings the Commission has received and discussed monthly reports of the activities of the Ethics Administrator, has provided advice to the Ethics Administrator, has met with the County Administrator, the Legislative Auditor, the Director of Purchasing, and the Unified Government Attorney to discuss matters of ethics in the Unified Government.

Professor H. George Frederickson of the University of Kansas serves as the Ethics Administrator. These services include scheduling and conducting the ethics training for all Unified Government employees, managing the ethics hot line, processing questions, allegations, and complaints, investigating allegations, and rendering opinions. To date, all of the employees of the Unified Government have completed their initial ethics training. A summary of the activity on the ethics hotline and the nature of ethics questions, advice rendered, and investigations conducted by the Office of the Ethics Administrator is included in this report.

## Introduction and History of the Code of Ethics, Ethics Commission and the Ethics Administrator.

In the spring of 1996, the Kansas state legislature passed Bill 464, which created a five member commission of Wyandotte County residents to determine if merging Wyandotte County and Kansas City, Kansas was a viable solution to a continuing decline in the quality of life in Wyandotte County. In 1996 Wyandotte County and Kansas City Kansas faced, among other problems, a generally negative public image of ethics in local government. Consolidation for the voters in Wyandotte County and Kansas City, Kansas was a chance to rebuild their local government's image by rebuilding their government structure and developing safeguards against corruption. On April 1, 1997, the voters of Wyandotte County and Kansas City, Kansas voted to consolidate the city and county governments into one unified city/county structure. At the time of the merger, there were only thirty-one such consolidations in the United States. More unusual was the fact that the referendum to consolidate was approved by over 60 percent of the voters. The Consolidation Study Commissioner included in the draft charter for the proposed Unified Government of Wyandotte County and Kansas City, Kansas, a five-member ethics board to oversee the drafting of an ethics code and to carry out other ethics related duties. While the provision for an ethics commission was struck down by the state of Kansas Supreme Court because of the manner in which it was to have been appointed, the newly elected

Board of Commissioners of the Unified Government chose to pass a new code of ethics in May of 1998 and to establish the office of Ethics Administrator (The Code of Ethics is Appendix 1).

Rather than hire a full-time Ethics Administrator a decision was made to open a process of bidding for a part-time Ethics Administrator to provide ethics services to the new Unified Government. These services were to include ethics training, setting up and managing an ethics hot line, processing questions, allegations and complaints, investigating allegations, and rendering opinions. After advertising and receiving bids, a contract was made with Professor H. George Frederickson of the University of Kansas to serve as a part-time Ethics Administrator. His appointment was formally approved by the Board of Commissioners of the Unified Government in September of 1998.

The Code of Ethics was amended in March of 1999 to provide for the appointment of an Ethics Commission (the amendment to the Code of Ethics is Appendix 2).

After determining a constitutionally acceptable way to make their appointments, an Ethics Commission of the Unified Government was appointed on July 15, 1999. The first meeting of the Ethics Commission occurred on August 25, 1999.

The duties of the Ethics Commission and the Ethics Administrator are as follows:

<b>Ethics Commission</b>	<b>Ethics Administrator</b>
Conduct open and public meetings	Receive complaints and suggestions regarding ethical issues facing Unified Government employees. Monitor hot line.
Recommend to the Unified Government Board of Commissioners ways to improve the Ethics Code.	Resolve minor ethical matters and questions.
Provide guidance, advice and oversight to the Ethics Administrator	Conduct investigations of alleged violation of the Ethics Code, Render advisory opinions, in writing, concerning questions of ethics, conflicts of interest and the applicability of the Code of Ethics when requested by a Unified Government elected official, official, employee, or the Ethics Commission.
	Provide Ethics training to all Unified Government elected officials, officials and employees.

The Office of the Ethics Administrator and the Ethics Commission have now completed their first full year of functioning and hereby present this report.

## The Ethics Commission.

At its meeting on March 18, 1999, the Commission of the Unified Government of Wyandotte County and Kansas City, Kansas unanimously passed and the Mayor signed an ordinance establishing an Ethics Commission. The Ethics Commission includes five members. The initial commission includes two persons who will serve two year terms and will be eligible for an additional four year term, and three members who will serve a single four year term.

Appointments to the Ethics Commission were made by a majority vote of the Ad Hoc Ethics Commission Appointment Panel consisting of Phillip L. Sieve, the Administrative Judge of the Wyandotte District Court, Nicholas Tomasic, the District Attorney of Wyandotte County, and Bob Brown, at that time the Legislative Auditor of Wyandotte County.

The purpose of the Ethics Commission is to recommend ways to improve the Ethics Code, to review and report on any and all violations of the Code of Ethics, to render advisory opinions on questions of ethics, conflicts of interest, and the applicability of the Code of Ethics, and to provide advice and oversight to the Ethics Administrator.

The Ethics Administrator acts as staff to the Ethics Commission.

Those appointed to the Ethics Commission are unpaid. They meet in public session at least semi-annually, but likely more often than that.

The initial appointees to the Ethics Commission were:

Representing the Turner Area:  
Jim Ernst

Representing the Northeast Area:  
Loris Jones

Representing Western Wyandotte County:  
Kerry B. Herndon, Chairperson

Representing the Argentine Area:  
Sara Gillespie

Representing the Central Area:  
Mark Mitchell

Mr. McLean resigned in November, 1999 and was replaced as  
Chairperson by Ms. Herndon.

In 1999 the Commission met in open and public session, duly announced,  
on the following evenings:

August 25, 1999:

The first meeting of the Ethics Commission for The Unified Government approved Gary Johnson as Secretary. H. George Frederickson, the Ethics Administrator gave a brief history of Consolidation and the establishment of the Ethics Commission. Dr. Frederickson presented a report and suggested that the Office of the Ethics Administrator provide a monthly report at each meeting of the Commission. The rules of the Commission and the Administrator were discussed, and it was agreed that any allegation that required an advisory opinion on the part of the Ethics Administrator would go before the Ethics Commission.

September 22, 1999

Gary Johnson handed out a revised ethics training schedule for the employees of The Unified Government. Dennis Hays the City/County Administrator and Hal Walker, Attorney for The Unified Government will speak at the October 13 meeting on the privacy of officials and employees of The Unified Government vis a vis the open public meetings laws of Kansas. The policy of TUG on awarding contract bids to TUG employees and the disposition of emergency contracts should be addressed by Mr. Walker and Mr. Hayes at the October 13 meeting.



October 13, 1999

Dennis Hayes spoke on several issues involving the enforcement of the Code of Ethics. Mr. Hays explained The Unified Government's current policy position on the residency requirement, the Kansas whistle-blowing statute (which prohibits the dismissing of an employee for whistle-blowing), and the circumstances by which a Unified Government employee may run for office. Mr. Hayes described instances where, in his capacity as the Unified Government Administrator, he has granted extensions to the residency requirement, most notably in the case of Health Department employees. Unified government Attorney Hal Walker provided the members of the Commission with copies of the Open Meetings Act and answered questions about the risks of liability in mentioning the names of Unified government employees in an open meeting. Mr. Walker suggested such discussions should occur in executive session. On the subject of bidding for Unified Government contracts by employees of the Unified Government, Mr. Walker explained that "minor" contracts were defined as being those worth less than \$10,000, contracts with a value greater than \$20,000 were required to follow the purchasing guidelines of the Unified Government and contracts worth less than \$1,000 are at the discretion of the employee making purchasing decisions for the department. Mr. Walker concluded that the current purchasing policy "Has sufficient guidelines at this point." A discussion on the formalization of the selection process for filling vacancies on the Ethics Commission yielded the following: First, it was agreed that the process for succession should be as unbiased as possible to insure the integrity of the Ethics Commission. It was suggested that a formal line of succession be devised by the current Ethics Commission.

During the course of these meetings the Commission has received and discussed monthly reports of the activities of the Ethics Administrator, has provided advice to the Ethics Administrator, has met with the County Administrator, the Legislative Auditor, the Director of Purchasing, and Unified Government Attorney to discuss matters of ethics in the Unified Government. The Commission has discussed the issue of the manner of the appointment of replacement of members of the Ethics Commission, has discussed the issue of jurisdictional residency for employees and officials of the Unified Government, discussed issues of purchasing, the addition of a section protecting "whistle-

blowers,” and has discussed issues of gifts and event tickets. The Commission has provided advice and made recommendations to the Ethics Administrator.

## The Office of the Ethics Administrator

1999 marks the first full year of the work of the Office of the Ethics Administrator of the Unified Government of Wyandotte County and Kansas City, Kansas. The office is located on the Mezzanine level of the unified Government building at 710 N. 7<sup>th</sup> Street, Kansas City, Kansas, 66101.

The Office of the Ethics Administrator has the following responsibilities.

1. To organize, operate and maintain an ethic hot line.
2. To provide ethics training to all official and employees of the unified Government.
3. To answer questions and provide advice on compliance with the Code of Ethics, to investigate allegations of breaches of the Code of Ethics, and to render opinions regarding allegations.
4. To serve as staff to the Ethics Commission.
5. Keep records.
6. To establish and maintain a World Wide Web site.

### The Ethics Hot Line

Three hot line systems are in place, are fully operating, and are secure so as to guarantee confidentiality. First is a telephone which is either answered or takes voice mail messages. Only the Ethics Administrator and his staff may answer this telephone or access messages left by voice mail. Second is a secure facsimile machine and only the Ethics Administrator or his staff have access to

materials sent by facsimile. Third is a secure e-mail address which can only be accessed by the Ethics Administrator and his staff.

The numbers and addresses for these three hot line systems are public, are available to all citizens and all officials and employees of the Unified Government.

In 1999 these three hot line systems yielded approximately three contacts per week. More than half of these contacts come from officials and employees of the Unified Government and seek advice or opinions on matters of ethics. The web site also allows citizens and employees to download the Code of Ethics. The second most frequent form of contact are allegations of wrongdoing which, upon investigation, prove to be disagreements between superiors and subordinates regarding work, or over matters of policy. Informal opinions, either in writing or verbally, are used to address these matters, in the interest of improving staff relations when there is no evidence of violation of the Code of Ethics. The third most frequent form of contact are allegations which have some evidence or reason to regard as credible. In some cases employees are given warnings, with the knowledge of their supervisor. For review and consideration of any possible criminal wrongdoing matters are turned over to the District Attorney.

#### Ethics Training

The Code of Ethics calls for ethics training for all officials and employees of the Unified Government once each three years. The initial introductory ethics training began in January, 1999 with the Board of Commissioners and the Mayor of the Unified Government. In February the County Administrator and the

department and agency heads and administrators had introductory ethics training. In the remainder of 1999 more than 1900 of the 2200 officials of the Unified Government have had the introductory ethics training course. In addition the members of the Board of Public Utilities had introductory ethics training in June of 1999.

Introductory training includes a review of the Code of Ethics of the Unified Government, which was simplified and condensed for training purposes. This is followed by a consideration of one or more cases in ethics. Each participant then engages in an ethics written exercise and self-assessment. Finally there is a discussion regarding ethics matters. These sessions last about two and one-half hours and usually involve groups of about thirty people.

#### Ethics Questions, Advice and Investigations

The Ethics Administrator meets on occasion directly with individual elected officials, with appointed officials and employees, or with individual members of boards and commissions, including the Ethics Commission, and with citizens to discuss ethics issues in the Unified Government. In these informal meetings there are requests for advice on possible ethics issues, questions about the meaning and intent of the Code of Ethics, and in some cases allegations of ethical misconduct. In these informal meetings there are no policy formulations and no discussions of political matters. The substance of such meetings is advisory and preventative rather than investigative. The intent of such meetings is to keep the Ethics Administrator abreast of ethical issues in the Unified

Government and to provide such counsel and advice as might be helpful to officials, employees and citizens.

The following is a table summarizing contacts with the Ethics Administrator and the treatment of those contacts. The contacts fall into three broad categories. 1) Requests for information and/or advice; 2) allegations of wrongdoing; 3) general complaints and miscellaneous inquiries. Of the requests for information and/or advice most were dealt with informally via telephone or e-mail. There were 21 meetings to discuss ethics questions and seek or give advice. And there were 11 advisory memoranda. Of the allegations of wrongdoing, the majority were in fact disagreements between staff members or supervisors and subordinates or disagreements over policy. All of these were handled informally by meetings, telephone calls or e-mail. In twelve cases some specifics were provided and investigations were undertaken. These resulted in no evidence in 8 cases, 2 warnings, and 2 referrals to the District Attorney. Several advisory memoranda were written, most to those making allegations informing them of the results of investigations.

Because allegations of wrongdoing are usually directed toward a person or group of persons in the Unified Government, all responses to these allegations are confidential to protect both those making the allegations against reprisals and those subject to allegations when no wrongdoing is found.

### CONTACTS WITH OFFIC OF THE ETHICS ADMINISTRATOR

	Number of contacts	Requests for information or advice	Allegations of wrongdoing	Complaints and miscellaneous inquiries
	141	60	41	40
Disagreement between supervisors and subordinates or disagreement over policy. Not ethical questions.		20	8	6
Insufficient evidence or no evidence found.			12	26
Informal verbal settlement or response.		34	31	30
Meetings		21	8	2
Advisory memoranda		11	9	1
Resolution in administrative agency after discussions or referral			22	
Referral to District Attorney			2	
Warnings				

#### Staff to the Ethics Commission

The Ethics Administrator assists the Chairperson of the Ethics Commission in the formulation of the agenda in preparation for meetings of the Commission. The Administrator prepares and makes a report to the Commissioners on the work of the Office of the Ethics Administrator during the preceding month. The Administrator's staff keeps minutes of each meeting for the consideration of the Commission, and, during the meetings of the Ethics Commission responds to questions regarding the Code of Ethics and other ethics matters relative to the work of the Commission.

Records

The Office of the Ethics Administrator keeps files and records of all transaction of his office as well as the minutes and records of the Ethics Commission. Some of these records are confidential inasmuch as they involve unsubstantiated allegations and/or personnel matters falling short of formal charges of violations of the Code of Ethics or other ordinances or statutes. The Ethics Administrator also keeps a list of all Unified Government Employees who have completed ethics training.



## Summary and Conclusions

1999 was the first full year of service by the Ethics Commission and the Ethics Administrator of the Unified Government of Wyandotte County and Kansas City, Kansas. During the year the Ethics Commission met regularly in open and public sessions, were briefed by other officials and employees of the Unified Government, deliberated on ethics issues faced by the Unified Government, and provided advice to, and made recommendations, to the Ethics Administrator. The Ethics Administrator and his office provided initial ethics training to about eight percent of the officials and staff of the Unified Government. The Ethics Administrator effectively operated the confidential ethics hot line system, receiving and responding to calls, facsimiles and e-mails. The Ethics Administrator provided extensive advice to Unified Government officials and employees, investigated allegations of violations of the Code of Ethics, and completed those investigations. Records were kept of all formal transactions of the Ethics Commission and the Ethics Administrator.

In 1999 there were only two serious cases of corruption or major breaches of the Code of Ethics of the Unified Government, both of which resulted in the dismissal of two non-policy level and non-supervisional staff members. The work of the Ethics Commission and Ethics Administrator, through training, through advice and through example, assisted in setting a tone of high ethics and of the prevention of violations of the Code of Ethics. 1999 was a scandal-free year in the Unified Government and sets the tone for years to come.

**APPENDIX 1**

**The Code of Ethics**

**of the**

**Unified Government of Wyandotte County**

**and Kansas City, Kansas**

980255

*Beth Brown*

(Published 5-29-98)

ORDINANCE NO. 0-25-98

AN ORDINANCE

ADOPTING A CODE OF ETHICS FOR ALL ELECTED OFFICIALS, OFFICIALS AND EMPLOYEES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; REPEALING ORIGINAL CODE OF ETHICS, SECTION 2-186 THROUGH SECTION 2-203 OF THE 1988 CODE OF ORDINANCES OF THE CITY OF KANSAS CITY, KANSAS.

**RECEIVED**  
BY AUDITORS OFFICE

MAY 27 1998

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY - KANSAS CITY, KANSAS.

Section 1. That the following Code of Ethics be adopted to read as follows:

Section 1. Short Title.

This ordinance may be cited as the "Unified Government of Wyandotte County-Kansas City, Kansas Code of Ethics." (Unified Government).

Section 2. Declaration of policy.

It is the policy of the Unified Government that the proper operation of democratic government requires that elected officials, officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of government. In recognition of these goals, a code of ethics for all the Unified Government elected officials, officials and employees is adopted.

Section 3. Purpose.

(a) The Chief Executive and Commission recognize that the representative form of government is dependent on the trust of the people in their public officials.

(b) The citizens of the Unified Government are dependent on their elected officials, officials and employees to preserve the safety, health, and welfare through the fair and impartial enforcement of laws, imposition of taxes, and expenditure of public funds.

(c) Each citizen of the Unified Government has a right to be assured of impartial and independent judgment from elected officials, officials and employees.

(d) In order to guard against the undue influence or the appearance of improper influence, and ensure public trust in the government, the Chief Executive and Commission adopt this ordinance:

- (1) to encourage high ethical standards in official conduct by the Unified Government and employees;
- (2) to establish guidelines for ethical standards of conduct for all such elected officials, officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Unified Government; and
- (3) to serve as a basis for disciplining those who refuse to abide by its terms.

Section 4. Definitions.

As used in this ordinance and all future amendments hereafter adopted, the following words shall have the meanings set forth in this section unless the definition of any word is amended or unless a different meaning is adopted for a particular provision.

(a) Administrator means the Ethics Administrator.

(b) Affected in the case of a person, entity or property means reasonably likely to be subjected to a direct economic effect or consequence, either positive or negative, as a result of the vote or decision in question. For instance, a person or entity owning real property, entering into a contract with the Unified Government or seeking a permit or franchise is "affected" by a vote or decision such as zoning of property, approval of a contract or granting of a permit. "Affected" does not include those persons or entities who are subject to an indirect or secondary effect from official action. Creditors, independent contractors, or guarantors of a person "affected" by a vote or decision are not also deemed to be "affected" by virtue of their relationship with the affected person. The vote or decision need not be the only producing cause of the economic effect or consequence reasonably likely to result. In determining whether a person, entity or property is or was "affected by" a vote or decision, it shall not be necessary to prove the actual existence or occurrence of an economic effect or consequence if such effect or consequence would be reasonably expected to exist or occur. Additionally, a vote or decision to place a matter on a ballot is deemed to affect a person, entity or

property to the same extent that the results of the election would affect the person, entity or property.

(c) Agency of the Unified Government means all departments, bureaus, boards, and commissions and persons not embraced in a department who exercise authority comparable to that of heads of departments and bureaus.

(d) Business entity means any person, corporation, partnership, independent contractor, joint venture organized or existing under the laws of any state, the Unified States or foreign country transacting commerce for profit.

(e) Business with the Unified Government means any one or any combination of sales, purchases, leases or contracts to, by, from, or with the Unified Government, or any agency thereof, involving disbursement of Five Thousand Dollars (\$5,000) or more on a cumulative basis during any 12-month period. As of the awarding or execution of a contract or lease, the total then ascertainable consideration thereby committed to be paid, regardless of the period of time over which such payments are to be made, shall be included.

(f) Child includes a child, adopted child, stepchild or foster child, of whatever age.

(g) A Unified Government employee means any person employed by the Unified Government of Wyandotte County-Kansas City, Kansas but does not include independent contractors hired by the Unified Government.

(h) A Unified Government Official, unless otherwise expressly defined, means the Chief Executive, members of the Commission, municipal court judges, (including substitute judges), Unified Government Administrator, Deputy Administrator, Assistant Administrator, Clerk, Deputy Clerks, Attorney, Deputy Attorneys, all department heads or deputy department heads, whether such person is salaried, hired or elected, individuals appointed by the Chief Executive and Commission to all Unified Government commissions, committees, boards, task forces, or other Unified Government bodies unless specifically exempted from this ordinance by the Commission and all other persons holding positions designated by the Unified Government Consolidation Plan as it may be amended from time to time.

(i) Contribution means any advance, conveyance, deposit, distribution, gift, loan, or payment of money or any other thing of value but does not include services.

(j) Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Commission or the Unified Government board or commission, as well as the

discussion or deliberations of the commission board, or commission which can or may lead to a vote or formal action by that body. A "decision" of a Unified Government employee means any action in which the employee exercises discretionary authority, including but not limited to the issuance of permits, imposition or collection of fines or fees, authorizations for expenditures, and other non-ministerial acts.

(k) Ethics Commission [Reserved]

(l) Elected Official means the Chief Executive, Unified Government Commission members, Sheriff and Register of Deeds.

(m) Financial Interest means:

- (1) ownership of any interest as the result of which the owner has received within the past three years, or is presently receiving, or is entitled to receive in the future more than \$1,000 per year; or
- (2) ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than five percent (5%) of a business entity.

(n) Gift means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or disposition of political campaign contributions regulated in accordance with the provisions of federal, state or local law regulating the conduct of elections or the receipt of political campaign contributions. Complimentary admissions to special events, including dinners, athletic, charitable, cultural or political events, or any other occasion or entertainment, when furnished or available to be furnished to all similarly situated elected officials, officials and employees are excluded from this definition. The term "gift" as used in this ordinance does not include gifts from a family member or other relative within the fourth degree of consanguinity or affinity.

(o) Interest means any legal or equitable pecuniary interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly, at any time during each Unified Government fiscal year (January 1 through December 31). However, "interest" shall not include an interest held solely in the capacity of a personal representative, agent, custodian, fiduciary or trustee, nor an interest in a time or demand deposit in a financial institution, nor an interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specific period.

(p) Ministerial act means an act performed in a prescribed manner and not requiring the exercise of any judgment or discretion.

(q) Regulate or regulated means subject to the control or governed by the rules and regulations of a Unified Government agency and required to have a license, permit, or other written authorization from a Unified Government agency.

(r) Substantial Interest means an interest in another person or an entity if:

- (1) the market is ownership of five percent or more of the voting stock, shares or market value of the equity of the entity or ownership of five thousand dollars (\$5,000) or more of the equity of the entity; or
- (2) funds received from the other person or entity either during the previous twelve months or the previous calendar year equal or exceed five thousand dollars (\$5,000) in salary, bonuses, commissions, or professional fees or twenty thousand dollars (\$20,000) in payment for goods, products, or nonprofessional services, or ten percent of the person's gross income during that period, whichever is less; or
- (3) the person serves as a corporate officer or member of the board of directors or other governing body of the for-profit entity other than a corporate entity owned or created by the Commission; or
- (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of five thousand dollars (\$5,000) or more.

"Substantial interest" in real property means an interest in real property which is an equitable or legal ownership with a market value of five thousand dollars (\$5,000) or more.

Section 5. Ethics Commission. [Reserved]

Section 6. Ethics Administrator.

(a) The Ethics Administrator shall be appointed by the Legislative Auditor of the Unified Government on the basis of a contract and shall function on a part-time basis. The Ethics Administrator shall maintain a fully operational telephone and facsimile capability for the receipt of complaints and suggestions. The Legislative Auditor may delegate to the Ethics Administrator the authority to resolve minor ethical matters and questions. At the direction of the Ethics Commission, the Ethics Administrator may conduct all investigations of an alleged violation of the Ethics Code.

(b) Compensation to the Ethics Administrator shall be in the form of billable hours not to exceed the amount usually budgeted for this purpose.

(e) The Ethics Administrator shall have the authority to recommend to the Legislative Auditor that it censure those in violation of the Ethics Code. Censure proceedings shall include, but not be limited to:

- (1) A memorandum from the Legislative Auditor to the official or employee of the Unified Government personnel file.
- (2) The authority to impose a forced leave with or without pay pursuant to personnel policy and procedure.
- (3) The authority to recommend demotion or other administrative steps as deemed necessary by the Ethics Administrator with the approval of the Legislative Auditor.
- (4) Upon belief that the factual allegations support the reasonable belief that a crime may have been committed, refer the matter to the District Attorney of Wyandotte County for review and further action.

(f) The Ethics Administrator shall be responsible for Ethics training for all Unified Government elected officials, officials and employees. Training shall be mandatory for all new Unified Government employees and newly elected officials within one year of their hiring or taking office. Additionally, all elected officials, officials and employees of the Unified Government shall undergo "refresher" ethics training at least once every three years at the direction of the Ethics Administrator.

(g) Matters assigned to or investigated by the Ethics Administrator shall be deemed personal matters and not disclosed to any person except the accused, the Legislative Auditor, the County Administrator or when appropriate, the District Attorney.

#### Section 7. Advisory Opinions.

(a) Where a member of the public, elected official, official or employee has a doubt as to the applicability of any provision of this ordinance to a particular situation, or as to the definition of terms used here, he or she may apply in writing to the Ethics Administrator for an advisory opinion. The requesting party shall have the opportunity to present the facts at issue and the applicability of provisions of the ordinance before such advisory opinion is made. The Ethics Administrator may seek the advice and assistance of the Unified Government Attorney where interpretation of the law is required. The Ethics Administrator and the Unified Government Attorney shall each respond within a reasonable period of time.

(b) No person who relies upon an advisory opinion rendered pursuant to this ordinance may be found in violation of this ordinance except



where the person relying failed to produce or omitted material facts in the request for the advisory opinion.

(c) Such opinion unless amended or revoked by the Ethics Administrator shall be binding on the Unified Government in any subsequent actions concerning the Unified Government elected official, official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

(d) Any advisory opinion issued at the direction of the Ethics Administrator shall be in writing and made available to the public upon request. However, the name of the person requesting the opinion, the names of the person or business entities mentioned in the opinion, and any factual information that would tend to identify the person or business entities shall be deemed confidential information and shall not be disclosed by the Ethics Administrator or Legislative Auditor.

**Section 8. Distribution of Ordinance/Advisory Opinions.**

(a) The Ethics Administrator shall cause a copy of this ordinance to be made available to every elected official, appointed official, candidate for the Unified Government office, and department head of the Unified Government. Each department head, at the direction of the Ethics Administrator, shall provide each employee with information about the provisions contained in this ordinance.

(b) Each new elected official, official and employee shall be furnished a copy of this ordinance and required to read and sign a statement indicating that he or she has read or has had the opportunity to read same.

(c) A copy of these signed statements shall be kept by the Unified Government Clerk for the elected officials and in the personnel files of each official and employee.

**Section 9. Conflicts of Interest; Prohibited Interests.**

(a) Except as provided in this section, no Unified Government official or employee shall have a substantial interest in:

(1) Any business entity regulated by or subject to the authority of that official or employee regulated by or subject to the authority of the Unified Government agency with which he or she is affiliated; or

(2) Any business entity which is negotiating or has entered into a contract to do business with the Unified Government.

(b) The prohibition of subsection (a) shall not apply to or prevent any Unified Government elected official, official or employee from:

(1) Having a substantial interest in a business entity that enters into a contract that is awarded as a result of competitive bidding or sealed bids under the ordinances and policies of the Unified Government or a contract between the successful bidder and its subcontractors, when the Unified Government elected official, official or employee's responsibilities and actions do not include participating on behalf of the Unified Government in any manner in the awarding, approval, formulation, or preparation of any such contract; or

(2) Having a substantial interest in a business entity or being associated with or employed by a business entity that represents or is employed by clients or others in transactions or matters before the Unified Government where the business entity is composed solely of members of a particular profession, including the Unified Government elected official, official or employee, which are regulated by a code of ethics formally adopted by that profession; or

(3) Entering into contracts with the Unified Government pertaining to the acquisition of real estate by the Unified Government for any public purpose, when the amount of money to be paid by the Unified Government for the property involved does not exceed the value of the property as established by not less than two competent real estate appraisers appointed by the Unified Government; or

(4) Appearing, without compensation, before any Unified Government agency or the Unified Government Commission on behalf of constituents or in the performance of any public, official, or civic obligation or duty; or

(5) Accepting or receiving any benefit or facility which is provided for or made available to all citizens or residents or classes of citizens or residents under any housing or other general welfare legislation or in the exercise of the police power; or

(6) Holding stock or investing in or holding any investment in any business entity whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than three percent of the ownership or investment in the entity; or

(7) Having deposits of money in any banking institution made in the ordinary course of business.

#### Section 10. Conflicts of Interest; Disqualification.

(a) Except as permitted by State law or a Unified Government ordinance, the Unified Government elected official, official or employee shall disqualify himself or herself and shall not participate in any matter before the Unified Government agency with which he or she is affiliated, except in the exercise of an administrative duty or ministerial act which does not affect the disposition or decision, if, to his or her knowledge, he or she, his or her spouse, parent, child, brother, or sister may be affected by the result or if any of the following may be affected by the result:

- (1) Any business entity in which he or she has an interest;
- (2) Any business entity in which he or she in an officer, director, trustee, partner or employee or in which he or she knows any of the above listed relatives holds such position;
- (3) Any business entity with which he or she or, to his or her knowledge, any of the above listed relatives is negotiating or has any arrangement concerning prospective employment;
- (4) Any business entity which is party to an existing contract with such an official or employee, or which he or she knows is a party to a contract with any of the above listed relatives, if the contract could reasonably be expected to result in a conflict between the private interests of a Unified Government elected official, official or employee and his or her official duties;
- (5) Any business entity, either engaged in a transaction with the Unified Government regulated by or subject to the authority of a Unified Government agency with which the elected official, official or employee is affiliated, or in which a direct financial interest is owned by another business entity in which the elected official, official or employee has a direct financial interest;
- (6) Any business entity which is a creditor or obligee of the elected official, official or employee, or which he or she knows is a creditor or obligee of any of the above listed relatives, with respect to a thing or economic value and which is in a position to affect directly and substantially the interest of the elected official, official or employee or any of the above listed relatives.

(b) If a disqualification pursuant to subsection (a) leaves anybody with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall publicly disclose the nature and circumstances of the conflict and may participate or act, provided that such action is first approved by the Unified Government Commission, a Unified Government Agency, or Ethics Administrator as under the circumstances may be appropriate.

**Section 11. Employment Restrictions.**

(a) A Unified Government elected official, official or employee, except a member of the Commission, shall not be employed at the same time as he or she is employed by the Unified Government or within one (1) year of terminating employment with the Unified Government by:

- (1) any business entity regulated by or subject to the authority of that official or employee, or regulated by or subject to the authority of the Unified Government Agency with which such person is affiliated; or
- (2) any business entity which is negotiating or has entered a contract to do business with a Unified Government agency with which the Unified Government elected official, official or employee is affiliated.

This prohibition does not apply to an official who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) A former elected official, official or employee, except a former member of the Commission, shall not assist or represent a party other than the Unified Government in a case, contract, claim, charge, or controversy or other specific matter involving the Unified Government if that matter is one in which the elected official, official or employee personally and significantly participated as an elected official, official or employee.

(c) An elected official, official or employee shall not assist or represent a party for contingent compensation in any matter before or involving any Unified Government Agency other than in a judicial or quasi-judicial proceeding.

(d) A former elected official, official or employee, unless the former elected official, official or employee's last annual salary did not exceed \$25,000.00 shall not sell or attempt to sell supplies, services, or construction to the Unified Government for one year following the date employment ceased. The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any elected official, official or employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former elected official, official or employee from accepting employment with private industry solely because the former elected official, official or employee's new employer is a contractor with the Unified Government, nor shall a former elected official, official or employee be precluded from serving as a consultant to the Unified Government.

**Section 12. Gifts -- Solicitation or Acceptance.**

(a) An elected official, official or employee shall not solicit any gift or knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:

- (1) Is doing business with the Unified Government, the Commission, or the member thereof, or as to elected officials, officials or employees, with their agency;
- (2) Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the elected official's, official's or employee's duty.

(b) Unless a gift of any of the following would tend to impute the impartiality and the independence of judgment of the elected official, official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient elected official, official or employee believes, or has reason to believe, that it is designed to do so, subsection (a) does not apply to:

- (1) Meals and beverages;
- (2) Ceremonial gifts or awards;
- (3) Unsolicited gifts of nominal value or trivial items of informational value;
- (4) Reasonable expenditures for food, travel, lodging, and scheduled entertainment of the elected official, official or employee and spouse for a meeting, that are made in return for participation in a panel or speaking engagement at the meeting;
- (5) Gifts of tickets or free admission extended to an elected official, official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of such gift or admission is a courtesy or ceremony extended to the office;
- (6) A specific gift or class of gifts which the Ethics Administrator exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Unified Government and that the gift is purely personal and private in nature;
- (7) Gifts from a person related by blood marriage, or a member of the household;
- (8) Honoraria.

(c) The Ethics Administrator may by opinion define further exemptions from this section as necessary or that are consistent with business practices generally.

Section 13. Gratuities and Kickbacks.

(a) Gratuities. In addition to violating any other ordinance or any state or federal criminal statute, it shall be a violation of this ordinance and a breach of ethical standards for any person to offer, give, or agree to give any elected official, official or employee or former elected official, official or employee, or for any elected official, official or employee or former elected official, official or employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase requisition, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, proceeding, or application, request for ruling, determination of any claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(b) Kickbacks. In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this ordinance and a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a contractor, a subcontractor under a contract or order to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a contract, subcontract, or order.

(c) Contract Clause. The prohibition against gratuities and kickbacks contained in this Section shall be conspicuously set forth in every contract and solicitation therefor.

Section 14. Prohibition Against Contingent Fees.

(a) Contingent Fees. In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this ordinance and a breach of ethical standards for any person to be retained, or to retain a person, to solicit or secure a Unified Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

(b) Representation of Contractor. Every person, before being awarded a Unified Government contract, shall represent, in writing, that such person has not retained anyone in violation of subsection (a) of this section. Failure to do so constitutes a breach of ethical standards and of this ordinance.

(c) Contract Clause. The representation prescribed in subsection (b) of this section shall be conspicuously set forth in every contract and solicitation therefor.

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Section 15. Confidential Information.

Other than the discharge of his or her official duties, an elected official, official or employee may not disclose or use for his or her own economic benefit or that of another party confidential information which he or she has acquired by reason of his or her public position and which is not available to the public.

Section 16. Prestige of Office.

(a) An elected official, official or employee shall not intentionally use the prestige of his or her office for his or her own private gain or that of another except as may be permitted under this ordinance.

(b) The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an elected official's, official's or employee's private gain or that of another.

Section 17. Nepotism.

No person shall be employed by the Unified Government if that person's spouse, child, sibling or parent is the Chief Executive, a member of the Commission, or an employee in or assigned to the Office of the Chief Executive, Commission or the Unified Government Administrator, except that no person employed by the Unified Government prior to the adoption of this provision shall be terminated for a violation of this section and, provided further, that no person employed by the Unified Government and becoming the spouse of another Unified Government employee after employment of both by the Unified Government shall be terminated for a violation of this section.

Section 18. Permitted and Prohibited Political Activities.

(a) Application to Unified Government Officials and Employees.

(1) The provisions of this section apply to all full-time, part-time, and temporary officials and employees in both classified and unclassified positions, except the provisions of paragraph (c)(2), (3), (5) and (7) below shall not apply to any person employed pursuant to the authority of the Mayor/CEO as an Administrative Assistant.

(2) Employees in activities which are funded in whole or in substantial part by federal funds have the additional restrictions of federal law pursuant to 5 U.S.C. 1501 et. seq., hereafter the "Hatch Act," and may be prohibited from taking an active part in the Unified Government, County, State or national elections. The Unified Government's Human Resources Department shall maintain a listing of positions subject to the Hatch Act.

(b) Permitted Political Activities.

Activities listed in this section are permitted for the Unified Government officials and employees on their own time or in accordance with declared policies of the Unified Government. These activities apply to County, State, and national elections and to municipal elections outside the Unified Government.

(1) Each official or employee, including an official or employee subject to the Hatch Act, may:

- (A) Register and vote in any election;
- (B) As an individual privately and publicly express an opinion on political subjects and candidates;
- (C) Be a member of a political party and participate in its activities consistent with this ordinance;
- (D) Sign a political nomination or recall petition as an individual;
- (E) Make a financial contribution to a political party or candidate;
- (F) Participate in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character;
- (G) Display bumper stickers, posters, banners or pamphlets on private property for the endorsement of candidates or issues.

(2) In addition, except as otherwise provided in this ordinance, an official or employee who is not subject to the Hatch Act may:

- (A) Take an active part in the work and management of any political campaigns;
- (B) Solicit, receive, or account for funds for a political purpose;
- (C) Solicit votes in support of, or in opposition to, a political party's office;
- (D) Initiate or circulate nominating or recall petitions;
- (E) Serve as a delegate, alternate, or proxy to a political party convention;



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- (F) Drive voters to the polls on behalf of a political party or candidate;
  - (G) Endorse or oppose a candidate for public or political office in a political advertisement, broadcast, campaign literature, or similar material;
  - (H) Seek election to political office as provided in Section 18(d).

(c) Prohibited Political Activities.

(1) Compelled or coerced political activity.

No official or employee shall be required to participate in or contribute to any political campaign. An official or employee shall not be subject to direct or indirect political influence or coercion, and political affiliation or support is not a condition of employment with the Unified Government.

(2) Prohibited voluntary political activity - employment related practices.

No official or employee of the Unified Government while utilizing equipment or materials of the Unified Government or while representing himself or herself as an employee of the Unified Government, except insofar as such representation is necessary for a candidate for public office to disclose a past and current employment status with the Unified Government shall:

- (A) Distribute campaign literature;
- (B) Give, solicit or receive contributions or subscriptions;
- (C) Promise or perform political services; or
- (D) Sign or circulate petitions for or on behalf of or in opposition to any candidate for public office.

(3) Prohibited voluntary political activity - elections.

No official or employee of the Unified Government shall do any of the following:

- (A) Be a candidate for elective office of the Unified Government unless that person resigns from employment with the Unified Government;
- (B) Circulate petitions initiating a referendum adopting, altering, or repealing a form of government of the Unified Government providing for Unified Government officers, their manner of selection or term of office, electing to be

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or not to be a particular form of government, or otherwise mandating or advising elected representatives of the Unified Government;

- (C) Contribute more than \$25.00 to the campaign of any candidate for elected Unified Government office or in support of or opposition to any referendum of the type described in subsection (B) of this Section;

(4) Use of official authority; solicitation of funds.

No official or employee may solicit funds or receive contributions from other officials or employees for political purposes.

(5) Bumper stickers, posters, banners or pamphlets, buttons.

Bumper stickers, posters, banners, pamphlets, and buttons may not be displayed on Unified Government vehicles, property, or by an individual on a Unified Government work site. However, such articles may be displayed on private vehicles parked in employee parking areas.

(6) Activities prohibited on duty, on Unified Government property, and/or in uniform.

Activities permitted in subsection (B)(2) are prohibited when an employee is on duty, including break periods. Such activities are also prohibited on Unified Government property and when an employee is in a uniform normally identified with the Unified Government.

(7) Use of official title or designation of employment.

An employee shall not use an official Unified Government title or designate employment with the Unified Government in political advertisements, endorsements, or speeches. Nothing in this Section shall be construed to limit the Chief Executive or any other employee acting at the direction of the Commission from making statements on behalf of the Unified Government to local, regional, state or federal legislative, executive, or administrative bodies, media representatives, or other interested persons or groups. Further, nothing herein shall be construed as prohibiting any person from performing a service on behalf of a person holding elective office in connection with the performance of that elected official's public duties.

(D) Candidate for elective office.

(1) A Unified Government official or employee may seek election to a political office. During this campaign, the employee shall not use an official Unified Government title in the political campaign, nor shall the person's official authority be used to affect the result of the election. If elected to political office, and such office is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a Unified Government employee, the employee shall terminate Unified Government employment prior to assuming the elected position.

(2) An official or employee may be a candidate for a board such as but not limited to a school board or a library board while retaining active Unified Government employment and, if elected, may retain the Unified Government position.

(3) An official or employee who becomes a candidate for a Unified Government elective office shall be terminated upon the declaration of candidacy.

(4) An official or employee subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.

(5) An official or employee may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave.

#### Section 19. Contractual violations and recovery.

(1) If any court of competent jurisdiction or the Ethics Commission determines that any contract with the Unified Government involves acts or omissions on the part of any person in violation of any provision of this ordinance, the contract may be terminated upon such terms and conditions as may be approved by the Unified Government Commission.

(2) A Unified Government official or employee who is subject to the provisions of this ordinance and who is found by the Ethics Commission to have violated its provisions is subject to disciplinary action by the Ethics Commission in accordance with personnel policies, contracts with designated bargaining units, or applicable laws.

(a) Recovery of value transferred or received in breach of ethical standards.

(1) General provisions. The value of anything transferred or received in breach of this ordinance or regulations promulgated thereunder by an official or employee or a nonemployee may be recovered from both the official, employee, and/or nonemployee.

(2) Recovery of Kickbacks by the Unified Government. Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the Unified Government and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

#### Section 20. Elected Officials.

(a) Any elected official found by any court to have violated the provisions of this ordinance may be subject to discipline as determined by the Ethics Commission in accordance with the provisions of this ordinance.

**Ethics Pledge for Elected Officials, Candidates, and Employees of the  
Unified Government of Wyandotte County-Kansas City, Kansas**

*I hereby pledge to adhere, to the best of my ability, to the following code of ethics.*

1. I will perform all of my ethical and legal duties, including those specified in this code of ethics in good faith, interpreting them with integrity, sincerity, and a commitment to advance rather than evade or circumvent their spirit and purposes.
2. I will treat my office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
3. I will not reveal confidential or sensitive governmental information, either anonymously or with personal attribution, unless I have good faith belief that there is a compelling public interest in revealing the information.
4. I will neither seek nor accept any form of personal benefit for performing my duties promptly, efficiently or fairly, or for the exercise of appropriate but discretionary representational authority.
5. I will take steps to assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances and ideas without regard to their willingness or ability to provide me with personal benefits or political support.
6. I will not use public employees on governmental time or government property for private benefit.
7. I will not use, or allow others to use, the authority, title, or prestige of my office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.
8. I will not, during or after the term of my office, engage in any act or transaction which reasonably appears to sell or lend the stature and prestige of my office or otherwise creates a general perception that I have exploited my public position for private gain.
9. I will not use or seek to use public facilities or employees, on government time, for political party activities, campaigning, fund raising, or other partisan or personal political activities.
10. I will not accept gratuities or engage in financial relationships that might reasonably be construed to affect my judgment or actions.

*Signed:* \_\_\_\_\_

*Dated:* \_\_\_\_\_

OATH OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY-KANSAS CITY, KANSAS

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of \_\_\_\_\_, and to abide by and adhere to the provisions of the Code of Ethics of the Unified Government of Wyandotte County-Kansas City, Kansas. So help me God.

\_\_\_\_\_

Section 2. That original Sections 2-186 through 2-203 of the 1988 Code of Ordinances, City of Kansas City, Kansas, are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the Kansas City Kansan.

PASSED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/  
KANSAS CITY, KANSAS, THIS 21 DAY OF May, 1998.

APPROVED:

  
Carol Marinovich, Mayor/CEO

ATTEST:

  
Donna M. Fealey  
Unified Government Clerk

Approved as to Form:

  
HAROLD T. WALKER  
Chief Counsel

**APPENDIX 2**

**An Amendment to the Code of Ethics  
of the  
Unified Government of Wyandotte County  
and Kansas City, Kansas**

(Published 3-25-99)ORDINANCE NO. 0-25-99

AN ORDINANCE

Relating to the Ethics Code, amending Sections 1(k) and 5 of Ordinance O-25-98 of the 1988 Code of Ordinances City of Kansas City, Kansas, and repealing said original Sections 1(k) and 5 of Ordinance No. O-25-98.

BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Section 1. That Section 1 of the Code of Ethics be amended by adding the following:

(k) The Ethics Commission means the five-member board appointed by majority vote of the Ad Hoc Ethics Commission Appointment Panel which consists of the Administrative Judge of the Wyandotte County District Court, the District Attorney of Wyandotte County and the duly appointed Legislative Auditor of Wyandotte County. Membership on the Panel shall be voluntary and only for and during their respective term office. Any action by the Panel shall require a quorum of two (2) members.

Section 2. That the Section 5 of the Code of Ethics be amended by adding the following:

Section 5. Ethics Commission.

The purpose of the Ethics Commission shall be to insure proper implementation of the Code of Ethics and to review and report on any and all other violations of the Code of Ethics.

(a) The Ethics Commission is responsible for conducting meetings no less than semi-annually and deliberating ethical issues, and rendering advisory opinions to the Ethics Administrator. The Ethics Commission shall be composed of five members residing in Wyandotte County appointed by the Ad Hoc Ethic Commission Appointment Panel. Two of the Commissioners shall be appointed to serve two year terms and shall be eligible for reappointment to one (1) four year term. The remaining three members of the Ethics Commission shall be appointed to serve one (1) single non-consecutive four year term. All appointments thereafter shall be for a single non-consecutive four-year term. The Panel shall select one member of the Ethics Commission to serve as Chairman of the Commission for a two year renewable term.

(b) In selecting candidates for membership on the Commission, the Panel shall establish procedures relating to selection which at a minimum provide as follows: 1) acceptance of letters or applications of interest from anyone; 2) eliminates from consideration persons convicted of a felony or crime or moral turpitude; and 3) Persons appointed to the Ethics Commission shall be of good moral standing and reputation.

(c) Persons appointed to the Ethics Commission shall have no conflicts of interest as defined in Section 9 and shall be broadly representative of the diverse populace of Wyandotte County.



(d) The Ethics Commission shall have the power to recommend ways to improve the Ethics code to the Unified Government Board of Commissioners.

(e) The Ethics Commission, through the Office of the District Attorney, may subpoena documents and witnesses before the Ethics Commission.

(f) The Legislative Auditor shall appoint an Ethics Administrator as specified in Section 6. The Ethics Administrator shall provide administrative services to the Ethics Commission and assist in performing their duties, with the consent of the Legislative Auditor, as the Ethics Commission shall direct.

(g) Whenever requested by a Unified Government elected official, official or employee, or whenever it deems it in the public interest, the Ethics Commission shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the Code of Ethics. Copies of the opinion shall be delivered to the Ethics Administrator, the Chief Executive of the Unified Government and members of the Commission. Such opinion may also be released to the public at the discretion of the Ethics Commission with such omissions as may be necessary to protect the confidence and privacy of Unified Government elected officials, officials and employees.

(h) The Ethics Commission shall have the power to make recommendations to the District Attorney who may initiate and investigate matters deemed appropriate.

(i) All persons covered by the jurisdiction of the Ethics Commission shall receive training to include familiarization with the Ethics Oath, the Ethics handbook, the Code of Ethics and the general subject of local governmental ethics to be administered by the Ethics Administrator under the direction of the Ethics Commission.

(j) All elected and appointed officials shall, in a public place, take an ethics oath to be administered by a person authorized by law to administer an oath and sign the ethics pledge.

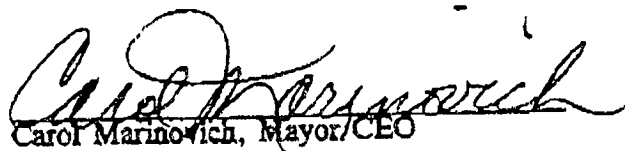
(k) Members of the Ethics Commission shall be subject to the Ethics Code.

Section 3. That original Sections 1(k) and 5 of the 1988 Code of Ordinances City of Kansas City, Kansas are hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the Kansas City Kansan.

PASSED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/  
KANSAS CITY, KANSAS THIS 18 DAY OF March, 1999.

APPROVED:

  
Carol Marinovich, Mayor/CEO

ATTEST:

Tom G. Covito  
Unified Government Clerk

Approved as to Form:

Harold T. Walker  
Harold T. Walker, Chief Counsel