

**Unified Government of  
Wyandotte County and Kansas City, Kansas**

**Ethics Program**

**10-Year Report**

**November 1, 2007**

**Ethics Commission**

**Office of Ethics Administrator**

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## Executive Summary

In the 10 years since the governments of Kansas City, Kan., and Wyandotte County were consolidated, quietly and without drawing attention to itself, the Unified Government Ethics Program has enjoyed considerable success. Much, if not all of this success has been achieved through the dedicated efforts of many concerned citizens, officials, staff and professionals associated with the program. Creating a program dedicated to clean government in a jurisdiction that previously had a reputation for corruption was no easy task.

The greatest testament to the effectiveness of the Ethics Program is not what has happened, though, but what has not happened. Ethical problems have been uncovered and dealt with before they developed into full-blown scandals. Officials and employees now regularly seek advice regarding gifts, political activities, awarding contracts and other ethical issues. The Program has also earned a reputation for confidentiality, sound advice, responsiveness and support for ethical politics and administration within the Unified Government (UG). As important is the fact that the Program has a well-earned reputation for toughness.

The Program costs an average of \$33,500 annually. Within the first two years of its existence, the Program had succeeded in providing basic ethics training to all 2,200 officials and employees who were serving the UG at that time. With new hires and newly elected officials coming on board, the Program has continued its aggressive training efforts. Today nearly 91 percent of UG officials and employees have completed the basic ethics course and nearly 82 percent have completed the refresher course.

The Program has issued advisory opinions on many topics over the years. These opinions have guided the UG as to whether employees can accept gifts, proper political activities, potential conflicts of interests and the ethics of leaking information to the news media, among many other topics.

In the last decade, citizens and UG officials and employees have contacted the Program more than 600 times with allegations, concerns and complaints. The majority of these contacts have been allegations of ethical breaches that proved, upon investigation, to be managerial or supervisory issues or policy disagreements. On average, there are two ethics investigations underway in a typical month. So far in 2007, 10 ethics investigations have been conducted and one violation of the Code of Ethics has been found. Because many of the cases deal with personnel matters, details are often kept confidential. Ethics investigations have led to the resignation of officials and employees, to formal charges being pressed by the district attorney, to a range of employee sanctions, to UG officials and employees being cleared of wrongdoing.

The Program also monitors the impact of the Code of Ethics and suggests changes to the Code from time to time. Over the years, the Code has been amended several times. In 2006, the Ethics Commission began a systematic section-by-section review and revision of the Code, which continues today.

The Program has been honored by both the American Society for Public Administration and Harvard University.

## Governmental Ethics Before Unification

In the years before Kansas City, Kansas and Wyandotte County were unified in 1997, the region may well have reached a point of no return. "I think our city was dying," Kathy Moore, a city aide during the period, told The Kansas City Star in September, 2007. Moore is just one of many who despaired at the time.

Wyandotte County was the victim of "cronyism, nepotism and wholesale corruption," according to The Star's Rich Hood. Kansas City, Kansas, was struggling under the control of the "good ol' boys," who were "dividing up the take from corrupt delinquent tax sales, incestuous contracts and protection rackets for illegal drinking and gambling establishments," Hood wrote in a Feb. 25, 2001, column.

Both governments had a long history of corruption, Gary Alan Johnson and Suzanne Leland wrote in a paper presented to the 2000 Midwest Political Science Association Annual Meeting. The county was known for the patronage system run through the Democratic Party machine, favoritism in awarding contracts and the well-publicized indictment of the sheriff. The city was known for scandals in the mayor's office.

The corruption and the region's negative image were driving business and residents away. In the 30 years leading up to consolidation, Wyandotte County lost nearly 30,000 residents. The county's property taxes and motor vehicle taxes were the highest in Kansas and in the Kansas City region. Two-third's of the county's workforce chose to live somewhere else and commute to work.

"Back-breaking tax bills from past costly government decisions are driving out longtime residents, many with the abilities to create a better city and county. They give up; no longer do they want to pour their tax dollars down a rat hole of inefficient and patronage government. Nor do businesses want to invest in a polluted political climate." (Kansas City Star, Jan. 19, 1997)

During this period, neither the city nor the county had a code of ethics, let alone a fully developed ethics program with an independent commission and a staff to carry out investigations.

## The Origins of the Ethics Program

In the early 1990s, a group of local reformers in the city and county began to meet and discuss the many economic, social, political and ethical problems the plagued the region. Some of these reformers held office, such as Carol Marinovich who was a member of the Kansas City Council at the time and who would later become the first mayor of the Unified Government. Others were business leaders such as veterinarian Ted Stolfus and druggist Tom Bruns. Others were civic and church leaders, such as Loris Jones. The group decided to attempt a consolidation of the city and county governments. Although such consolidations have often been promoted as a way to lower governmental

costs, these reformers promoted consolidation, in part, as a way to create a clean government and change the ethical climate.

The first step was to win the approval of the state of Kansas. In the spring of 1996, the Kansas Legislature passed Senate Bill 464, which created a five-member commission of local residents. The commission's charge was to determine if merging the city and county could solve the region's problems and, if so, to oversee the consolidation process.

Creating a unified government soon became a popular cause. The proposal that was eventually sent to the voters not only consolidated the two governments, but it also called for the establishment of an ethics commission and a jurisdiction-wide ethics program. On April 1, 1997, more than 60 percent of city and county voters who went to the polls voted "yes" on consolidation. At the time, there were only 31 similar city-county consolidations in the United States.

Progress toward an ethics program was briefly delayed when the Kansas Supreme Court struck down part of the UG's new ethics code. The justices disagreed with the manner in which the ethics commission would have been appointed. However, a new system was created that used an independent panel to appoint members of the Ethics Commission. A Code of Ethics was written and approved by the new UG Board of Commissioners and mayor. In 1999, the UG Ethics Program completed its first full year of service.

### **Key Dates**

- 1996 – Kansas Legislature establishes process to enable Kansas City, Kansas and Wyandotte County to consolidate if voters approve.
- April 1997 – Voters approve referendum to consolidate the governments.
- May 1998 – Newly elected Board of Commissioners of the Unified Government passes a Code of Ethics and establishes the Office of Ethics Administrator.
- September 1998 - University of Kansas Professor H. George Frederickson is appointed to serve as the Ethics Administrator.
- January 1999 – the Code of Ethics goes into effect.
- July 1999 – The first Ethics Commission is appointed.
- August 1999 – The Ethics Commission holds its first meeting.

## Organization

### The Ethics Commission

The five members of the Ethics Commission are appointed by a majority vote of the Ad Hoc Ethics Commission Appointment Panel, which consists of three UG officials.

- The administrative judge of the district court
- The district attorney
- The legislative auditor

By using three politically insulated and independent officials to appoint the commission, the Program is kept independent of the mayor and the UG Board of Commissioners. Independent of jurisdiction politics, the Program is able to objectively advise the mayor and UG Commissioners on matters of ethics and even, when necessary, to oversee investigations of elected officials.

To be appointed to the Ethics Commission, members cannot have been convicted of a felony or crime of moral turpitude or have a conflict of interest as defined by the Code. As the Code notes: "Persons appointed to the Ethics commission shall be in good moral standing and reputation." One of the serving members of the Ethics Commission is designated as chair by the Ad Hoc Ethics Commission Appointment panel.

The Code of Ethics sets out the duties and powers of the Ethics Commission as:

- Recommending to the UG Board of Commissioners and the Mayor improvements to the Code of Ethics
- Reviewing, investigating and commenting on any office and/or activity of the UG as pertaining to ethical conduct and compliance with the Code
- Issuing both formal and informal advisory opinions
- Making recommendations to the district attorney to pursue further investigations
- Ensuring that all UG employees and officials receive ethics training
- Ensuring that all elected and appointed officials take an ethics oath and sign an ethics pledge.

In the first decade of the program, 14 people have served on the Ethics Commission.

## 2007 Ethics Commission

### **Rhonda Smiley, Chair (2007 – term expires 2011)**

Rhonda Smiley was appointed and named Chair of the Commission in 2007 to serve a four-year term. Ms. Smiley is the first member of the Commission to be a resident of Edwardsville, Kan., where she has lived since 1992. She holds a B.A. in Economics and Political Science and a J.D. from the University of Kansas. Ms. Smiley is a shareholder and practices law with McDowell, Rice, Smith & Buchanan, P.C., on the Country Club Plaza. She previously served as Chair of the first Neighborhood Preservation Committee for Overland Park, Kan., and on the Citizens Advisory Board for the Edwardsville Police Department.

### **Mike Bixler (2005- term expires 2009)**

Mr. Bixler was appointed to the Commission in 2005 to serve a four-year term. Mr. Bixler is the Executive Director of Business and Classified Personnel for the Turner Unified School District. He holds a bachelor's in Public Administration and a master's degree in public affairs. He is a lifelong resident of Kansas City, Kan. He has also taught state and local government at Park University.

### **Mary Ann Slattery (2005 – term expires 2009)**

Ms. Slattery was appointed to the Ethics Commission in 2005 to serve a four-year term. Ms. Slattery retired as chief deputy attorney from the Wyandotte County District Attorney's office. She has a juris doctorate from the University of Kansas, a master's degree in administration in higher education from Michigan State University, and a bachelor's degree from Saint Mary College. She has been involved in the legal profession since 1979. She also currently serves on the Board of Directors of the Caritas Clinic, which serves the uninsured of Wyandotte and Leavenworth counties.

### **J. Anthony Snorgrass (2007 – term expires 2011)**

J. Anthony Snorgrass was appointed to the Ethics Commission in 2007. Mr. Snorgrass is a managing Partner of Advantage Associates. He has been a professor at Avila University's School of Visual and Communications Arts since 2000. Mr. Snorgrass holds a bachelor's degree from the University of Kansas, a master's of public administration from the Ohio State University and a master's of city and regional planning from the Ohio State University. He presently is a doctoral candidate at Walden University's School of Public Policy and Administration. In addition to his corporate positions, Mr. Snorgrass has held senior executive level positions with the FDIC and the

departments of Treasury and Housing and Urban Development where he was instrumental in ethics program design, implementation, training and enforcement. Mr. Snorgrass has also held leadership roles with local non-profit organizations throughout his career. Mr. Snorgrass is a long-term resident of Kansas City, Kan.

**John Zawacki (2007 – term expires 2011)**

Mr. Zawacki was appointed to the Ethics Commission in 2007 to serve a four-year term. He is a retired Locomotive Engineer having worked for the Union Pacific Railroad for 47 years. He has served the public as Secretary/Treasurer of the Welborn Neighborhood Watch and has worked the Kids Fishing Derby along with the Leavenworth Road Parade as a member of the Leavenworth Road Association. He is a member of the Pastoral Council at Christ the King Church and a member of the Knights of Columbus. Mr. Zawacki has resided in Wyandotte County for over 65 years, graduating from Bishop Ward High School in 1954.

Former Ethics Commission Members

(listed in the order in which they served)

**Roger McLean (1999. Resigned November of that year)**

**Kerry Herndon, Chair (1999 – 2003)**

Ms. Herndon was appointed to the Commission in 1999 to serve a four-year term representing the Piper area. In 2000 she was named chairperson of the Ethics Commission and reappointed as chair in 2001. Ms. Herndon has lived in Kansas City, Kan., for more than two decades. She holds a master's degree in geology and biology from Stephen F. Austin University in Texas as well as bachelor of science degrees in English and German. During her service on the commission, Ms. Herndon was employed as an Environmental Scientist in the Superfund division of the U.S. Environmental Protection Agency in Kansas City, Kansas.

**Jim Ernst (1999-2005)**

Mr. Ernst was initially appointed to the Ethics Commission in 1999 to serve a two-year term representing the Turner area. He was reappointed to serve a four-year term. Mr. Ernst is a lifelong Kansas City, Kan., resident, having graduated from Wyandotte High School. He also holds a bachelor of science in communications degree from Kansas State University. During his term as a commissioner, Mr. Ernst was employed as a Product Consultant for Burke Inc.

**Loris Jones (1999-2003)**



Ms. Jones was appointed in 1999 representing the Northeast area. Ms. Jones is a lifelong resident of Kansas City, Kan., having graduated from Sumner High School. She also holds a bachelor of science in education from Pittsburg Teacher's College (now Pittsburg State University), and a master of science in education from the University of Missouri-Kansas City. Ms. Jones is a retired educator, having taught for more than 40 years in District 500.

**Sara Gillespie (1999-2005)**

Ms. Gillespie was initially appointed to the Commission in 1999 to serve a two-year term representing the Argentine area. She was reappointed to serve a four-year term commencing in 2001. Ms. Gillespie is a lifelong Kansas City, Kans., resident, having graduated from J. C. Harmon High School. She also holds a bachelor of science in education from Emporia State University. During her service on the Commission, Ms. Gillespie was a substitute teacher in the Kansas City, Kan., Piper and Turner school districts.

**Mark Mitchell (1999-2002)**

Mr. Mitchell commenced his service on the Ethics Commission in 1999, having been appointed to serve out the unexpired term of Roger McLean in representing the Central area. Mr. Mitchell resigned from the Commission in December 2002. He has resided in Kansas City, Kan., since 1967. A graduate of Cheraw High School, Mr. Mitchell also holds a bachelor of Christian ministry degree from Williamstown Bible College. During his service on the Commission, Mr. Mitchell was working on a master of business administration at the University of Kansas. In 2003, Mr. Mitchell was elected to the Unified Government Board of Commissioners.

**Dr. Theodore Stolfus, Chair (2003 - 2007)**

Dr. Stolfus began his service with the UG Ethics Commission in 2003. Dr. Stolfus graduated from Bonner Springs High School and later obtained a doctorate of veterinary medicine from Kansas State University. He has owned and operated the Kaw Valley Veterinary Clinic in Bonner Springs since 1963. Dr. Stolfus has a long history of distinguished public service, including six terms as mayor of Bonner Springs (1989-2001), four terms as a member and president of the Unified School District 204 Board of Education and five years on the board of the Mid-America Regional Council (1989-2001), including a term as chair.

**Roy L. Robinson (2003-2007)**

Mr. Robinson was appointed to the Commission in 2003 to serve a four-year term. Mr. Robinson is a lifelong resident of Kansas City, Kan., having graduated from Sumner High School. He also holds a bachelor of science in milling science and management from Kansas State University. Mr. Robinson is currently employed as Vice President for Archer Daniels Midland Company, where he has been involved in the development of a new Business Code of Conduct and Ethics and investigations of alleged ethics violations within ADM.

**Dr. Robert Baynham (2003-2007)**

Dr. Baynham was appointed to the Commission in 2003 to serve a four-year term. Dr. Baynham has been a pastor at Metropolitan Baptist Church of Kansas City, Kan., since 1982. Dr. Baynham received an associate degree from Allen Community College, a bachelor's degree from Ottawa University, a master of divinity from Central Baptist Seminary and a doctorate of religious education from the University of Central America, Kansas City, Mo. He has been inducted into the Oxford's "Who's Who" for extraordinary professionals. He served as the chairperson of the Commission on Consolidation for Wyandotte County and Kansas City, Kan.

Ethics Administrator

The Ethics Administrator is appointed by the UG's Legislative Auditor and works on a part-time, contractual basis. The Administrator's duties are to:

- Maintain a fully operational telephone, Internet and FAX capability for the receipt of complaints, allegations and suggestions
- Receive complaints, allegations, requests for advice and suggestions
- Resolve minor ethical matters and questions
- Conduct investigations of alleged violations of the Code of Ethics
- Give informal advice and guidance
- Render formal advisory opinions, in writing, concerning questions of ethics, conflicts of interest and the applicability of the Code upon the request of an official, employee or member of the Ethics Commission
- Provides ethics training for all Unified Government, officials and employees.

Since the advent of the Program, H. George Frederickson, Ph.D., has served as the Ethics Administrator. Dr. Frederickson has been the Edwin O. Stene Distinguished Professor of Public Administration at the University of Kansas since 1987. Dr. Frederickson earned a bachelor's degree in political science and accounting from Brigham Young University in 1959, a master's of public administration from the University of California at Los Angeles in 1961 and a doctorate in public administration, public finance, politics and research methods from the University of Southern California in 1967.

Chiquita Hartman currently serves as the Assistant Ethics Administrator. Ms Hartman received a BS degree and a master's degree in Public Administration from San Jose State University and a doctor of law degree from Western State University. In the past, that post has been held by Denise Hines, Michael Manske, David Matkin and Gary Alan Johnson.

## Operations

### Training

UG ethics training consists of a basic training session and a continuing education (refresher) session for all employees, appointed officials, elected officials and volunteers who serve on UG boards.

Each introductory session consists of a one and one half-hour block of instruction where the provisions and policies of the Code of Ethics are presented. Also included are spirited discussions of ethical dilemmas where the rules are tested, validated and given practical meaning and effect. Training sessions also include an overview of the components of the Program and their respective functions, as well as a review of the complaint and investigation process. At the conclusion of each introductory session, trainees are asked to take an ethics pledge. They receive certificates of completion that are inserted into their personnel files.

Upon successful completion of the introductory session, each individual receives a "training anniversary date." Three years after that date, each individual participates in a continuing ethics education session designed to review and refresh their commitment to ethical conduct. These sessions consist of a one-hour block of instruction where trainees once again work through a series of ethical dilemmas. Unlike the introductory sessions, these refresher sessions contain the most frequent ethical challenges encountered in the UG during the previous three years. Completion of a continuing education session is annotated in the personnel file, and the employee's training anniversary date is reset for another three years.

The curriculum of the ethics education program has been constructed to facilitate meaningful instruction. The formal language of the Code has been restated in an easy-to-understand format, and the case studies are developed to present clear, yet challenging, vehicles through which practical application may be enhanced.

### Advisory Opinions

From time to time the Ethics Administrator is asked for informal advice on an ethical dilemma or an interpretation of the Code of Ethics as applied to a particular issue or situation. Under the Code of Ethics, a member of the public, official or employee may request an advisory opinion from the Ethics Administrator. Advisory opinions are used to resolve doubts about how a provision of the Code applies to a particular situation, or about the definition of terms used in the Code. Advisory opinions may be requested in writing. The Code sets out the procedures in Sec. 9-192.

The requesting party shall have the opportunity to present the facts at issue and the applicability of provisions of the division 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.

No one who relies on an advisory opinion may be found in violation of the Code, except where the individual failed to produce or omitted material facts in the request for an advisory opinion. Unless amended or revoked by the Ethics Administrator, advisory opinions are binding on the official or employee who sought the opinion and acted on it in good faith. This is true as long as material facts were not omitted or misstated in the request for an opinion.

Employees and officials have the option to receive a written or verbal advisory opinion. In situations where the opinion goes beyond explaining the Code, and involves the review of a specific situation, the Ethics Administrator may issue either informal verbal advice or a formal written opinion.

### Ethics Investigations

Ethics investigations are initiated when a member of the public, an elected official or an employee contacts the Ethics Program with an allegation, complaint or concern, or when the Program staff become aware of a problem in another way. Confidential contacts are made via:

- Telephone hotline (913/621-3294)
- E-mail ([ethics.wycokck@gmail.com](mailto:ethics.wycokck@gmail.com))
- FAX (913/621-3295)
- Postal mail (Ethics Administrator, Mezzanine Level, 710 North 7th St., Kansas City, KS)
- Personal conversation

Details on contacting the administrator with a concern or complaint are found online at: [www.wycokck.org/dept.aspx?id=4482&menu\\_id=952&ekmense1=952\\_submenu\\_0\\_link\\_5](http://www.wycokck.org/dept.aspx?id=4482&menu_id=952&ekmense1=952_submenu_0_link_5)

Although those making hotline contact may remain anonymous, and their communication will still receive a response, callers are urged to leave a name and telephone number to help the administrator do a more effective job of investigating reports. All communications remain confidential and are used only for official purposes of investigation. The identities of callers will only be revealed upon proper judicial authority.

### The Resolution of Allegations

Pursuant to the powers given to the Ethics Administrator and the Ethics Commission by the Code of Ethics, the following policies and procedures have been developed.

Should it be determined that an employee or official of the UG has violated the Code of Ethics, the Ethics Administrator will notify that person's supervisor. The details of the violation of the Code of Ethics will be explained to the supervisor and a particular sanction will be recommended. If the supervisor is unwilling to administer the

recommended sanction, the Ethics Administrator may take the matter to the supervisor's supervisor. Recommended sanctions range from a letter of reprimand to a period of leave without pay to dismissal. If in a particular matter the Ethics Administrator intends to recommend a serious sanction, he will refer the matter to the Ethics Commission for their advice. Such matters are dealt with by the Ethics Commission in executive session. A person sanctioned through this process may appeal through the ordinary supervisory chain of command.

Should an elected official be found to have violated the Code of Ethics, the Ethics Administrator will seek the advice of the Ethics Commission in executive session. Together the Ethics Administrator and the Ethics Commission shall formulate a course of action or a sanction. The Ethics Administrator shall meet with the elected official, explain the determination of a violation of the Code of Ethics and the recommended sanction. Recommended sanctions for elected officials range from an agreement not to again violate the Code of Ethics to a public admission of the violation to resignation. Should the elected official not agree with the recommended sanction, the Ethics Administrator and the Ethics commission may inform the media about the violation of the Code of Ethics.

Either informal or formal advisory opinions may be a part of the steps described here. The logic upon which these policies and procedures is based is this: that the UG Ethics Program operate in such a way as to earn the trust and respect of UG employees and officials. To do this, the Ethics Program works quietly and does not draw attention to itself. While holding employees and officials to high standards of ethics, it does not undermine their authority.

## Outcomes

### Overview

The greatest testament to the effectiveness of the Ethics Program is not what has happened during the decade of its existence, but what has not happened. Once tarnished with a reputation for corruption and indicted officials, the jurisdiction has stayed free of scandal. Ethical problems have been uncovered and dealt with before they have developed into full-blown scandals. Officials and employees now regularly seek advice regarding gifts, political activities and other issues of ethics. The Program also has a reputation for confidentiality, sound advice, responsiveness and providing support for ethical politics and administration within the UG. As important, the Program has a reputation for toughness.

At the heart of the Program is the intent to interact with employees and officials in order to prevent problems from occurring or to keep minor problems from becoming scandals. Because the desired outcome is the absence of unethical behavior, the Program measures success by how well it has created an interactive atmosphere that supports preventative measures and avoids a “gotcha” philosophy. The program also seeks to monitor how well the employee culture adopts the ethical ideal.

Over the years, because of violations of the Code of Ethics, employees have been sanctioned. These sanctions have included some resignations and terminations. In several cases, employees and elected officials who have violated the Code of Ethics have agreed not to do it again and have kept their agreements.

“Since the city and county governments were consolidated and the Ethics Program was established, a significantly positive change has occurred in the growth, economy and political atmosphere of Wyandotte County, Kan.,” said Carol Marinovich, who was mayor at the time of consolidation.

“Property values are increasing,” she said, “delivery of services has improved at lower cost, neighborhoods have started working together to increase quality of life and major reinvestment is being made in the community. Through the establishment of the Ethics Program and the priority placed on public integrity, trust in honest and effective governance is being reestablished in our community.”

In the years since consolidation not one UG official has been indicted.

## Program Costs

The Ethics Program has direct costs which average \$33,500 annually. Based on the most recent figures, the cost of providing ethics training per each employee trained is \$16.21, but because ethics training is once every three years, the average annual cost per person trained is \$5.41. The investigative and other cost per each ethics allegation is \$152.82.

The indirect costs of the Ethics Program are evidence of a substantial investment in ethics on the part of the Unified Government. Just in terms of the number of hours employees and officials have given to ethics training, make clear the commitment of the Unified Government to the highest ethical standard.

## Training

After the Code of Ethics went into effect on Jan. 1, 1999, the Office of the Ethics Administrator began an aggressive ethics education program. Training began at the top with the newly elected mayor and the members of the UG's Board of Commissioners.

By 2001, the program had met its first goal of providing the basic ethics course to all of the 2,200 officials and employees serving the UG at that time. After that period, the Program concentrated on training new officials and newly hired employees and on providing refresher courses every three years. The Program also expanded ethics training to the members of voluntary boards, vendors serving the UG and members of the community.

At the time of this report, nearly 91 percent of the Unified Government's officials and employees had completed the basic ethics training course. Nearly 82 percent had completed a refresher course three years after taking basic ethics training.

Nick Tomasic, who was district attorney immediately after consolidation, praised the Program's extensive ethics training as producing "visible changes in the conduct of local government employees."

"The continuing training teaches new public servants a keen awareness of ethical behavior and the rules they are expected to follow, as well as reinforcing to veteran employees those expectations," Tomasic said.

The Code and both the basic and continuing ethics training materials have been translated into Braille.

## Advisory Opinions

One of the Ethics Program's most important duties is to advise UG officials and employees about the ethical dilemmas they face. A key component of the Program's mission to head off scandal before it starts, this advisory duty accounts for approximately two-thirds of all the contacts handled by the Office of Ethics Administrator.

During the Program's life, advisory opinions have covered a variety of topics, including:



- The rules that govern whether and how officials and employees can accept gifts
- Recommended actions to avoid concerns of favoritism in the contracting process
- Direction on proper political campaign activity, so as to avoid violation of the Code of Ethics
- Warnings of possible conflicts of interest for UG employees who seek to obtain an outside contract with the UG or any branch of the jurisdiction
- The ethics of disclosing confidential economic development information to the news media
- The proper pursuit of grievance procedures and the evidence necessary to merit Ethics Commission involvement in a personnel matter
- Improper solicitation of charitable contributions from employees
- Improper use of Information Technology (e-mail) by employees
- The right of employees to become candidates for elected office without terminating their employment
- Policy and procedures for the acceptance and distribution of complimentary tickets to the Kansas Speedway and other entertainment tickets
- Financial contributions from UG employees to the campaigns of candidates for UG mayor that exceeded the \$25 allowable limit

#### Ethics Investigations:

In the last decade, citizens and UG officials and employees have contacted the Ethics Program through various media more than 600 times. The vast majority of these contacts have come through the telephone hotline. The Office of Ethics Administrator has responded to all of these when it is provided with enough information to reach the complaining person. The office also works with the UG's Legislative Auditor on ethics investigations. When time allows, these cases are discussed with the Ethics Commission before investigations are finalized. Reports on investigations are also given at the Commission's monthly meeting either during the public portion of the meeting or in executive session, depending on what is appropriate.

The majority of these contacts have been allegations of ethical breaches that proved, upon investigation, to be managerial or supervisory issues or policy disagreements. On average, there are two ethics investigations underway in a typical month. So far in 2007, ten ethics investigations have been conducted, and one violation

of the Code has been found. Because many of the cases involve personnel matters, details are often kept confidential.

### Other Activities

Besides training, advising and investigating, one of the primary duties of the Ethics Program is to oversee the Code of Ethics and to suggest revisions as needed. Throughout the decade, the Ethics Commission has been able to improve the provisions of the Code and to work toward revisions in a variety of ways.

- On Jan. 4, 2001, the UG Board of Commissioners approved, upon the recommendation of the Ethics Commission, an amendment to the Code to provide employment protections for those individuals making ethics complaints. Modeled after the Kansas state whistleblower statute, the protections include prohibitions against preventing employee complaints and/or retaliation against employees that make complaints.
- Prompted by a citizen inquiry into the procedure for service on appointed boards and commissions, the Ethics Commission has been working with UG staff to implement a standardized procedure for these appointments. The Commission was able to provide a procedure that had been endorsed and suggested by the Kansas League of Municipalities, and was patterned after a program in place in Riley County, Kan.
- On the request of the Ethics Commission, the UG Board of Commissioners amended the Code in 2000 to allow UG employees to run for the offices of District Attorney, Sheriff and Register of Deeds. The Board of Commissioners continued the prohibition against UG employees running for the offices of Mayor or Board of Commissioners. The Ethics Commission continues to support allowing employees to run for all offices.
- In 2004 and 2005, the Ethics Commission recommended that the UG's Board of Commissioners amend the Code of Ethics to prohibit employees from displaying political campaign materials in their personal vehicle when that vehicle is being used to conduct official Unified Government business.
- The Ethics Commission worked with the UG Board of Commissioners to resolve issues concerning individuals serving on voluntary boards and commissions. The issues involve limited training for officials, no established term limits and no established procedure to remove members from commissions. Ethics training for voluntary UG officials was initiated.
- Beginning in 2006 and continuing in 2007, the Commission has engaged in a methodical, section-by-section review and revision of the Code.

The existence of the Ethics Program has not only enhanced the ethical atmosphere and actions of the UG, but has also provided citizens with another avenue to provide information and feedback about their community.

### Awards

#### Public Integrity Award American Society for Public Administration.

The Ethics Program received the Public Integrity Award in 2004. This award pays tribute to an organization that has made outstanding contributions to responsible conduct in public service. The award is presented annually to an organization that presents evidence of accomplishing, or causing to accomplish, significant programs or projects benefiting the general public. Letters of recommendation for the award were furnished by many UG officials of the time, including Mayor Carol Marinovich, County Administrator Dennis Hays and District Attorney Nick Tomasic. Past Lieutenant Governor and Secretary of Commerce for the State of Kansas (1995-2003) Gary Sherrer also provided a letter of recommendation.

#### Innovation in American Government Harvard University

In 2005, the Ethics Program was a top 100 finalist for the honor, which is administered by The Ash Institute for Democratic Governance and Innovation at Harvard's John F. Kennedy School of Government.

The Innovations in American Government Program is a significant force in recognizing and promoting excellence and creativity in the public sector. Through its annual awards competition, the program provides concrete evidence that government can work to improve the quality of life for citizens and that it deserves greater public trust. Many award-winning programs have been replicated across jurisdictions and policy areas, and some have served as harbingers of today's reform strategies or as forerunners to state and federal legislation. By highlighting exemplary models of innovative government performance, the program serves as a catalyst for continued progress in addressing the nation's most pressing public concerns.