Regular Meeting:

Roll Call:

X Chair Mr. Gilbert Castro
E Member Dr. J. Anthony Snorgrass, PhD.
X Member Mr. John Zawacki
X Member Ms. Janey Humphries
X Member Mr. Robert Frey
X Ruth Benien, Administrator

X (Present)
E (Excused)
U (Unexcused)

Call to Order:

Chairperson Castro called the meeting to order at 4:02 p.m. Commissioners Zawacki, Humphries and Frey were present. Commissioner Snorgrass was absent and excused. Administrator Benien was present. Chief Administrative Wyandotte County District Court Judge Wayne Lampson, Legislative Auditor Tom Wiss and Wyandotte County District Attorney Jerome Gorman were present during the meeting for the swearing in of new Ethics Commissioner Robert Frey.

Public Comment: No members of the public appeared.

Old Business:

a). Approval of Minutes:

Proposed Minutes of the January 7, 2010 meeting were reviewed. A motion to approve the minutes as corrected and amended was made by Commissioner Zawacki and seconded by Commissioner Humphries. The motion passed unanimously.

b). Monthly Administrator’s Report:
Administrator Benien provided a written copy of the January, 2010 monthly report to the Commission which outlined the training provided in January, 2010 and the nature of the ethics opinions rendered and complaints received.

The ethics training sessions for the UG Commissioners are scheduled for February 16, 2010 and February 18, 2010. No training sessions were held in January, 2010 due to unavailability of the codified Ethics Code.

Three hotline call complaints were received. One new e-mail complaint was received. Two complaints were closed due to inability to reach the complainant in one case and withdrawal of the complaint in the second case. Two complaints were closed with no violation found. Thirty complaints are pending awaiting investigation, under investigation or determination. Two telephone and e-mail requests for an advisory opinion were received. Three verbal advisory opinions were provided. Twenty one requests for an advisory opinion are pending.

No new requests for information were received in January, 2010. One request for information is pending. The Ethics Administrator is working on the November 10, 2009 formal written request under the Kansas Open Records Act for all letters and correspondence involving the UG Ethics Code revisions. Receipt of the request has been acknowledged. Questions by commissioners with respect to the nature and type of documents to be produced were responded to by the Ethics Administrator. No confidential complaint documents will be produced. Each Ethics Commissioner has been asked to provide any e-mails in their possession relating to the request.

Motion to accept the Administrator’s report as amended or corrected was made by Commissioner Zawacki and seconded by Commissioner Humphries.


The codified version of the UG Ethics Code and its revisions which became effective October 15, 2009 has still not been received from the codifier in Florida. It was supposed to be submitted in January, 2010. The Ethics Administrator has again inquired as to the status and received no response.

It was agreed that the Ethics Administrator would redraft the sections of the UG Ethics Code requiring a Unified Government Representative to resign to run for UG office to add the additional language requiring an employee to resign if elected proposed by the UG Commission.

The Ethics Administrator advised that the policy of the Ethics Administrator’s Office would be to rule on requests for advisory opinions and investigation of complaints on a first in, first out basis unless time considerations required the preferencing of a particular opinion or complaint.
d). Report on status of anti-retaliation memorandum:

The Administrator has not had opportunity to prepare a memorandum for distribution regarding the anti-retaliation provisions of the UG Ethics Code due to the priority given to the UG Ethics Code revisions and the substantial time commitment required for the same. The Ethics Administrator does, however, advise in any investigative memorandums, letters or communication of the anti-retaliation provisions.

New Business:

The Honorable Wayne Lampson, Wyandotte County Chief Administrative Judge, administered the Oath of Office to new UG Ethics Commissioner Robert Frey.

The Ethics Administrator reported on the status of training and determination that employees who had completed Basic Ethics training or Continuing Ethics training would not be required to retake the ethics training just because of the new code provisions.

Discussion was had with reference to the requests for letters of support and the prestige of office provisions of the code and its interpretation. Suggestion was made that the Ethics Administrator discuss with the Office of the Mayor whether such could be handled on a consent agenda if they involved normal and customary duties.

UG Ethics Commissioners were provided a copy of updated commissioner information and asked to review the same and provide corrections.

Executive Session:

No Executive Session was held.

Adjournment:

Motion for adjournment by Commissioner Zawacki.

Seconded by Commissioner Frey.

Motion passed Unanimously.

Meeting Adjourned at 5:50 p.m.

Next Meeting is March 4, 2010 at 4:00 p.m.

Respectfully Submitted,

s/Ruth M. Benien
Ruth M. Benien
Ethics Administrator