



Code of Ethics

**Unified Government
Ordinance Number O-75-09
Adopted October 1, 2009**

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Unified Government of Wyandotte County – Kansas City, Kansas
Division 2. CODE OF ETHICS*

Sec. 2-251. Declaration of policy.

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

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-252. Findings and purpose.

(a) *Findings.*

(1) The mayor/chief executive officer (CEO) and the unified government board of commissioners recognize that the representative form of government is dependent on the trust of the people in their public officials.

(2) The citizens of the unified government are dependent on their unified government representatives to preserve the safety, health, and welfare through the fair and impartial enforcement of laws, imposition of taxes, and expenditure of public funds.

(3) Each citizen of the unified government has a right to be assured of impartial and independent judgment from unified government representatives.

(b) *Purpose.*

In order to guard against the undue influence or the appearance of improper influence or impropriety, and ensure public trust in the unified government, the mayor/chief executive officer (CEO) and the unified government board of commissioners adopt this division:

(1) To encourage high ethical standards in official conduct by unified government representatives;

* **Editor's note:** Ord. No. O-75-09, § 1, adopted Oct. 1, 2009, repealed the former Div. 2, §§ 2-251--2-270, and enacted a new Div. 2 as set out herein. The former Div. 2 pertained to code of ethics and derived from the Code of 1988, §§ 2-187--2-206; Ord. No. O-25-98, § 1, 5-21-1998; Ord. No. O-25-99, §§ 1, 2, 3-18-1999; Ord. No. O-81-00, §§ 1, 2, 8-17-2000; Ord. No. O-1-01, § 1, 1-4-2001; Ord. No. O-2-03, § 1, 1-16-2003.

Cross references: Election and campaign finance, ch. 10.

(2) To establish guidelines for ethical standards of conduct for all such unified government representatives 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.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-253. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Administrator means the ethics administrator.

(b) Ad hoc ethics commission appointment panel means the panel consisting of the administrative judge of the county district court, the district attorney of the county and the duly appointed legislative auditor of the county. The panel appoints the five member ethics commission. Membership on the panel shall be voluntary and only for and during their respective terms in office. Any action by the panel shall require a quorum of two members.

(c) Affected means, in the case of a person, entity or property, 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. The term "affected" does not include those persons or entities that 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.

(d) Business entity means any person, corporation, partnership, independent contractor, sole proprietorship or joint venture organized or existing under the laws of any state, the United States or a foreign country transacting or engaged in commerce, or any type of business operation whether for profit or not for profit.

(e) Business with the unified government means any one or any combination of sales, purchases, leases contracts or grants to, by, from, or with the unified government, or any agency thereof, involving disbursement of \$5,000.00 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 means and shall include a child, adopted child, stepchild or foster child, of whatever age.

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

(h) Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the unified government board of commissioners, any unified government board or commission or the ethics commission, as well as the discussion or deliberations thereof that 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.

(i) Elected official means the mayor/chief executive officer, unified government board of commissioners, sheriff and register of deeds.

(j) Ethics commission means the five-member board appointed by majority vote of the ad hoc ethics commission appointment panel.

(k) 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 \$1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than five percent of a business entity.

(l) Gift means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. The term "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 unified government representatives are excluded from this definition. The term "gift" does not include gifts from a family member or other relative within the fourth degree of consanguinity or affinity.

(m) 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.

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

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

(p) Substantial interest means an interest in another person or business entity if:

(1) The interest is ownership of five percent or more of the voting stock, shares or market value of the equity of the entity or ownership of \$5,000.00 or more of the equity of the entity;

(2) Funds received from the other person or entity either during the previous 12 months or the previous calendar year equal or exceed \$5,000.00 in salary, bonuses, commissions, or professional fees or \$20,000.00 in payment for goods, products, or nonprofessional services, or ten percent of the person's gross income during that period, whichever is less;

(3) The person serves as a corporate officer or member of the board of directors or other governing body for the for-profit business entity other than a corporate entity owned or created by the unified government board of commissioners, or

(4) The person is a creditor, debtor, or guarantor of the other person or business entity in an amount of \$5,000.00 or more.

(q) Substantial interest in real property means an interest in real property that is an equitable or legal ownership with a market value of \$5,000.00 or more.

(r) Unified government agency 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.

(s) Unified government employee means any person employed by the unified government but does not include independent contractors hired by the unified government.

(t) Unified government official unless otherwise expressly defined, includes the mayor/chief executive office (CEO), unified government commissioners, county administrator,

deputy county administrator, assistant county administrator, clerks, department heads, deputy departments, deputy department heads, municipal court judges, (including substitute judges) whether such a person is salaried, hired or elected, individuals appointed by the mayor/chief executive officer (CEO) or members of the unified government commissioners and members of all unified government committees, boards, task forces, or other unified government bodies unless specifically exempted from this Code by the unified government board of commissioners, and all other persons holding positions designated by the unified government consolidation plan as it may be amended from time to time.

(u) Unified government representative means elected officials, unified government officials and employees.

(Ord. No. O-75-09, § 1, 10-1-2009)

Cross references: Definitions generally, § 1-2.

Sec. 2-254. Ethics commission.

(a) The purpose of the ethics commission shall be to ensure proper implementation of the code of ethics and to review and report on any and all other violations of the code of ethics.

(b) The ethics commission is responsible for conducting meetings no less than semiannually and deliberating on ethical issues, and rendering advisory opinions to the ethics administrator. The ethics commission shall be composed of five members residing in the 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 four-year term. The remaining three members of the ethics commission shall be appointed to serve one single nonconsecutive four-year term. All appointments thereafter shall be for a single nonconsecutive four-year term. The panel shall select one member of the ethics commission to serve as chairperson of the commission for a two-year renewable term. Any action of the ethics commission shall require a quorum of three members.

(c) 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.

(d) Persons appointed to the ethics commission shall have no conflicts of interest as defined in section 2-258 and shall be broadly representative of the diverse populace of the Wyandotte County.

(e) The ethics commission shall have the powers to recommend ways to improve the ethics code to the unified government board of commissioners.

(f) The ethics commission, through the office of the municipal court, may subpoena documents and witnesses before the ethics commission or to assist the ethics administrator in the investigation and resolution of complaints.

(g) Whenever requested by a unified government representative, 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 made available to the ethics administrator, the mayor/chief executive officer (CEO) and the unified government board of commissioners. 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 a unified government representative.

(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, and 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 unified government representatives, except employees 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.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-255. 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, internet and facsimile capability for the receipt internet 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.

(c) The ethics administrator shall have the authority to recommend to the legislative auditor to censure those in violation of the ethics code. Censure proceedings shall include, but not be limited to:

(1) A memorandum of private censure from the legislative auditor to the unified government representatives which shall be given to the unified government representative and a copy placed in a personal file of the official maintained in the legislative auditor's office or, in the case of an employee, in the personnel file of the employee with the unified government;

(2) A memorandum of public censure from the legislative auditor to the unified government representative which shall be given to the unified government representative and a copy posted on the unified government ethics website.

(3) The authority to impose an involuntary leave with or without pay pursuant to personnel policy and procedure;

(4) The authority to recommend demotion or other administrative steps as deemed necessary by the ethics administrator with the approval of the legislative auditor; and

(5) 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 the county for review and further action.

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

(e) 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, the ethics commission and when appropriate, the district attorney.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-256. Advisory opinions.

(a) Where a member of the public or unified government representative has a doubt as to the applicability of any provision of this division 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 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 and input, review and approval from the unified government ethics commission. 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 division may be found in violation of this division 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 representative 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.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-257. Distribution of ordinance/advisory opinions.

(a) The ethics administrator shall cause a copy of this division to be made available to every unified government representatives, candidate for a 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 division or provide the employee with directions on obtaining a copy of it from the unified government ethics website.

(b) Each new unified government representative shall be furnished a copy of this division and required to read and sign a statement indicating that he has read or has had the opportunity to read the same.

(c) A copy of these signed statements shall be kept by the unified government clerk for the elected officials, by the legislative auditor for other unified government representatives, except that human resources shall keep them in the personnel files of each unified government employee.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-258. Conflicts of interest; prohibited interests.

(a) Except as provided in this section, no unified government representative shall have a substantial interest in or engage in any of the following activities:

(1) Any business entity regulated by or subject to the authority of that unified government representative regulated by or subject to the authority of the unified government agency with which the unified government representative is affiliated;

(2) Any business entity that is negotiating or has entered into a contract to do business with the unified government;

(3) Any business entity that is receiving public grant money or funds directly from the unified government or as a pass through from state or federal agencies; or

(4) Solicit any funds or services from any known unified government vendor or contractor for any business entity in which the unified government representative has a substantial interest.

(b) The prohibition of subsection (a) of this section shall not apply to or prevent any unified government representative 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 representative'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 unified government representative, 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 or real estate interests 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.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-259. Conflicts of interest; disqualification.

(a) Except as permitted by state law or a unified government ordinance, the unified government representative shall be disqualified and shall not participate in any matter before the unified government agency with which unified government representative is affiliated, except in the exercise of an administrative duty or ministerial act which does not affect the disposition or decision, if, to the unified government representative's knowledge, the unified government representative's 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 the unified government representative has an interest;

(2) Any business entity in which the unified government representative is an officer, director, trustee, partner or employee or in which the unified government representative knows any of the relatives listed in this section holds such position;

(3) Any business entity with which the unified government representative or, to the unified government representative's knowledge, any of the relatives listed in this section is negotiating or has any arrangement concerning prospective employment;

(4) Any business entity which is party to an existing contract with such a unified government representative, or which the unified government representative knows is a party to a contract with any of the relatives listed in this section, if the contract could reasonably be expected to result in a conflict between the private interests of a unified government representative 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 unified government representative is affiliated, or in which a direct financial interest is owned by another business entity in which the unified government representative has a direct financial interest;

(6) Any business entity which is a creditor or obligee of the unified government representative, or which the unified government representative knows is a creditor or

obligee of any of the relatives listed in this section, with respect to a thing or economic value and which is in a position to affect directly and substantially the interest of the unified government representative or any of the relatives listed in this section.

(b) If a disqualification pursuant to subsection (a) of this section leaves anybody with less than a quorum capable of acting, or if the disqualified unified government representative 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. (Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-260. Employment restrictions.

(a) A unified government representative except a member of the unified government board of commissioners, shall not be employed at the same time as the unified government representative is employed by the unified government or within one year of terminating representation with the unified government by:

- (1) Any business entity regulated by or subject to the authority of that, unified government representative or regulated by or subject to the authority of the unified government agency with which such person was affiliated; or
- (2) Any business entity that is negotiating or has entered a contract to do business with a unified government agency with which the unified government representative 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 unified government representative, except a former member of the unified government board of commissioners, 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 unified government representative personally and significantly participated as a unified government representative.

(c) A unified government representative 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 unified government representative, unless the former unified government representative'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 in this subsection, means signing a bid, proposal, or contract, negotiating a contract, contacting any unified government representative 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 therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former unified government representative from accepting employment with private industry solely because the former unified government representative's new employer is a contractor with the unified government, nor shall a former unified government representative be precluded from serving as a consultant to the unified government. (Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-261. Solicitation or acceptance of gifts.

(a) A unified government representative shall not solicit any gift or knowingly accept any gift, directly or indirectly, from any person that the unified government representative knows or has reason to know:

- (1) Is doing business with the, unified government representative, the unified government board of commissioners or a member thereof, or as to the unified government representative, with their agency; or
- (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 unified government representative's duty.

(b) Unless a gift of any of the following would tend to call into question the impartiality and the independence of judgment of the unified government representative receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient unified government representative believes, or has reason to believe, that it is designed to do so, subsection (a) of this section 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 unified government representative 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 unified government representative 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 unified government representative's 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; or

(8) Honoraria.

(c) The ethics administrator may by advisory opinion define further exemptions from this section as necessary or that are consistent with business practices generally.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-262. 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 division and a breach of ethical standards for any person to offer, give, or agree to give any unified government representative or former, unified government representative or for any unified government representative or former unified government representative 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 therefore.

(b) *Kickbacks.* In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this division 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 therefore.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-263. 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 division 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 division.

(c) *Contract clause.* The representation prescribed in subsection (b) of this section shall be conspicuously set forth in every contract and solicitation therefore.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-264. Confidential information.

Other than in the discharge of the unified government representative's official duties, a unified government representative may not disclose or use for the unified government representative's own economic benefit or that of another party, confidential information which the unified government representative has acquired by reason of the unified government representative's public position and which is not available to the public.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-265. Prestige of office.

(a) A unified government representative shall not intentionally use the prestige of the unified government representative's office for the unified government representative's own private gain or that of another except as may be permitted under this division.

(b) The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for a unified government representative's private gain or that of another.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-266. Nepotism.

No person shall be employed by the unified government if that person's spouse, child, sibling or parent is the mayor/chief executive officer (CEO), a unified government board of commissioner, or an employee in or assigned to the office of the mayor/chief executive officer (CEO) unified government board of commissioners, the unified government administrator, except that no person employed by the unified government prior to the adoption or substantive amendment 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.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-267. Permitted and prohibited political activities.

(a) Application to unified government representatives.

(1) The provisions of this section apply to all full-time, part-time, and temporary unified government representatives in both classified and unclassified positions, except that the provisions of subsections (c)(2), (c)(3), (c)(5) and (c)(7) shall not apply to any person employed pursuant to the authority of the mayor/chief executive officer (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 USC 1501 et seq. (hereafter referred to as 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 representatives 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 unified government representative, 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 division;

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 that is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character; or

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 division, unified government representative 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;

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 subsection (d) of this section.

(c) *Prohibited political activities.*

(1) *Compelled or coerced political activity.* No unified government representative shall be required to participate in or contribute to any political campaign. A unified government representative 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 unified government representative while utilizing equipment or materials of the unified government, while in a uniform normally identified with 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 as mayor or commissioner on the board of commissioners on the unified government unless that person resigns from employment prior to filing or declaring a candidacy for said elective office with the unified government, or be a member of the ethics commission upon filing or declaring a candidacy for said elective office. Exempted from the application of this provision is any person appointed as an official to all other unified government commissions, committees, boards, task force, or other unified government bodies or agencies and all persons holding positions designated by the unified government consolidation plan.
- 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 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 primary campaign or the general campaign of any candidate for elected unified government office or in support of or opposition to any referendum of the type described in subsection (c)(3)b of this section.

(4) *Use of official authority, solicitation of funds.* No unified government representative may use his or her official authority to 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, or in a uniform normally identified with the unified government. 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) of this section are prohibited when unified government representative is on duty, including break periods. Such activities are also prohibited on unified government property and when unified government representative is in a uniform normally identified with the unified government.

(7) *Use of official title or designation of employment.* A unified government representative 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 mayor/chief executive officer (CEO) 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 representative may seek election to a political office. During this campaign, the unified government representative 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 the unified government representative duties as a unified government employee, the unified government representative shall terminate his or her unified government position prior to assuming the elected position.

(2) A unified government representative 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 mayor or commissioner on the board of commissioners of the unified government shall be

terminated upon the declaration of candidacy or filing of candidacy, whichever occurs first, unless said employee or official resigns prior thereto.

(4) A unified government representative subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.

(5) A unified government representative may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-268. Contractual violations and recovery.

(a) 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 division, the contract may be terminated upon such terms and conditions as may be approved by the unified government commission.

(b) A unified government representative who is subject to the provisions of this division 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, this division, contracts with designated bargaining units, or applicable laws.

(c) Value transferred or received in breach of ethical standards may be recovered as follows:

(1) *Recovery of value transferred or received in breach of ethical standards; general provisions.* The value of anything transferred or received in breach of this division or regulations promulgated hereunder by unified government representative may be recovered from the unified government representative.

(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 hereunder, 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.
(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-269. Unified government representatives violating code.

Any unified government representative found by any court to have violated the provisions of this division may be subject to discipline as determined by the ethics commission in accordance with the provisions of this division.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-270. Whistleblowing.

(a) No unified government representative shall retaliate against any employee or any other person for making a good faith report of violation of state or federal law, rules, or regulations, or other misconduct by unified government representatives, including violations of this division.

(b) No unified government representative shall prohibit unified government representative from reporting any violation of law or rules or regulations to any person, agency, or organization.

(c) No unified government representative shall require any unified government representative to give notice to any other unified government representative before reporting a violation of law or rules or regulations or misconduct by unified government representatives, including violations of this division.

(d) This section shall not be construed as:

(1) Permitting a unified government representative to leave the unified government representative's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to absences;

(2) Authorizing a unified government representative to represent the unified government representative's personal opinions as the opinions of the unified government; or

(3) Prohibiting disciplinary action of a unified government representative who discloses information which:

a. The unified government representative knows to be false or which the unified government representative discloses with reckless disregard for its truth or falsity;

b. The unified government representative knows to be prohibited from disclosure under state law or in violation of privacy rights; or

c. Is confidential or privileged under statute or court rule.

(e) Nothing in this division shall be construed to add to, diminish, or otherwise modify rights or remedies available under the law.

(f) Any violation of this section by a unified government employee shall be addressed as a violation of the human resources guide or other policies governing personnel.

(g) Any employee who alleges that disciplinary action was taken against him in violation of this section shall be entitled to file a grievance under the human resources guide or other policies governing personnel.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-271. Ethics pledge for unified government representatives of the Unified Government of Wyandotte County/Kansas City, Kansas.

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, or the gain of another.
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: _____

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-272. Ethics oath.

Ethics 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.

Signed: _____

Dated: _____

(Ord. No. O-75-09, § 1, 10-1-2009)

Secs. 2-273--2-290. Reserved.