



Unified Government Clerk's Office

Monica L Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260

Fax: 913-573-5299

<http://www.wycokck.org>

NOTICE OF SPECIAL MEETING

To the Members of the Governing Body of the
Unified Government of Wyandotte County/Kansas City, Kansas:

You are hereby notified that a Special Meeting of the Unified Government of Wyandotte County/Kansas City, Kansas, is scheduled to be conducted in a hybrid format on Thursday, March 6, 2025, at 5:00 PM, for a presentation from the Unified Government Ethics Commission regarding proposed amendments to the Ethics Code in the fifth-floor conference room of the Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas. **A copy of the presentation is attached to this notice.**

The public will be able to observe or listen to the special session live on YouTube or UGTV, or through ZOOM; information is below. The public may also view the special session from the fifth-floor conference room of the Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86582147170>

Webinar ID: 865 8214 7170

Or One tap mobile:

+12532158782,81423989537# US (Tacoma)

+13462487799,81423989537# US (Houston)

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

+1 253 205 0468 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston)

+1 669 444 9171 US; +1 669 900 9128 US (San Jose); +1 719 359 4580 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

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877 853 5257 US Toll-Free

888 475 4499 US Toll-Free

International numbers available:

<https://us02web.zoom.us/j/kbyGgNxQAW>

Dated this 4th day of March 2025.

A decorative rectangular area with a light red background and a faint floral pattern. The text is centered within this area.

UG Ethics Commission

Proposed Amendments to the
Ethics Code

UG Ethics Commission

From the Consolidation Study Report (UG Charter) 1997:

Ethics Commission: An Ethics Commission will be created as an additional safeguard against unethical behavior in the new Unified Government. The new Unified Board of Commissioners will draft and adopt a Code of Ethics. The Ethics Commission members, appointed by the Administrative Judge of the District Court with the consent of the sitting District Judges of Wyandotte County, will serve a single, full, four year term. The terms will be staggered at the initial appointment with one-half of the Commission serving a two-year term and one-half serving a single, full, four-year term. The Ethics Commission may recommend ways to improve the Ethics Code to the Unified Board of Commissioners. The Ethics Commission will have the power to make recommendations for actions to be taken for violations of the Ethics Code to the Unified Board of Commissioners. The Ethics Commission will also have subpoena power, the ability to swear witnesses and have power to censure those in violation of the Ethics Code. All elected officials, and any appointed board and/or committee member as the Unified Legislature may include, will be subject to this Code.

UG Ethics Commission

From the Consolidation Study Report (UG Charter) 1997:

Citizen Oversight

Two additional safeguards will ensure each citizen can question, challenge and seek redress for unethical or illegal behavior of its government officials. An Ethics Commission is established to uphold the responsible behavior of its elected officials. A Legislative Auditor will provide independent scrutiny of the performance and operations of government offices and employees. Mindful of the right of the citizenry to demand the highest standards of conduct from its public servants, these safeguards give the community its own checks and balances.

UG Ethics Commission

The purpose of the Ethics Commission is to recommend ways to improve the Unified Government's Ethics Code, to review and report on any and all violations of the Code of Ethics, to render advisory opinions on questions of ethics, conflicts of interest and the applicability of the Code of Ethics. The appointees are Wyandotte County residents who will serve a four-year term.

UG Ethics Commission

Ethics commissioners are selected to serve on the Ethics Commission for the Unified Government of Wyandotte County/Kansas City, Kansas by an Ad Hoc Ethics Commission Appointment Panel.

The Ad Hoc Ethics Commission Appointment Panel is comprised of the Chief Judge of the Wyandotte County District Court; the District Attorney of Wyandotte County, and the Legislative Auditor of Wyandotte County.

The Ethics Administrator of the Unified Government serves as staff to the Ethics Commission.

UG Code of Ethics

Codified at:

Sections 2-251 through 2-272
of the UG Code

- Ongoing review of the Code of Ethics by the UG Ethics Commission, spread over several years.
- The compilation of recommended changes is presented periodically to the UG Board of Commissioners.
- When one set of recommendations is adopted by the Board of Commissioners, the Ethics Commission often begins work on the next compilation of changes.

Proposed Amendments to the UG Code of Ethics

Section 2-251. Declaration of policy

Adds language that the Unified Government seeks to serve its citizens in a just and equitable manner and established a Code of Ethics to that end.

Proposed Amendments to the UG Code of Ethics

Section 2-252. Findings and purpose. (unchanged)

(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;
- (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.

Proposed Amendments to the UG Code of Ethics

Section 2-253. Definitions.

Modifies the definition of “child”

Adds the definition of “parent”

Adds the definition of “usual and customary”

Adds the definition of “social media”

Proposed Amendments to the UG Code of Ethics

Section 2-254. Ethics commission.

Adds that the Ethics Commission may request the Ethics Administrator to render advisory opinions on its behalf.

Clarifies that advisory opinions can be at the request of not just a UG representative.

Clarifies that copies of advisory opinions are also maintained by the Legislative Auditor and given to the requestor and may be given to the County Administrator.

Clarifies that opinions may be released to the public with redactions to protect the privacy of the requestor.

Requires oaths and pledges to be retained by the Legislative Auditor.

Provides that Ethics Commissioners can be removed by the Ad Hoc Ethics Commission Appointment Panel for just cause.

Proposed Amendments to the UG Code of Ethics

Section 2-255. Ethics administrator.

Modernizes references to modes of receiving complaints and requests for opinions or information.

Permits the Ethics Administrator to provide verbal and written advisory opinions.

Authorizes Ethics Administrator to access and use the resources of various UG offices to investigate or prepare advisory opinions.

Allows Ethics Administrator to recommend discipline for violations.

Sets out procedures for the posting a public censure on the website (90 days minimum)

Proposed Amendments to the UG Code of Ethics

Section 2-255. Ethics administrator.

Authorizes Legislative Auditor to issue a memo of recommended removal from office.

Authorizes Legislative Auditor to recommend to County Administrator an involuntary leave for a UG employee

Authorizes Legislative Auditor to recommend to County Administrator a verbal warning, written warning, and termination for a UG employee.

Provides for notice and response within 3 days from UG representative to these memos.

Proposed Amendments to the UG Code of Ethics

Section 2-255. Ethics administrator.

Authorizes a recommendation to Legislative Auditor to refer a criminal matter to the DA.

Sets out a list of factors to consider for discipline or censure.

Provides that matters assigned to or investigated by Ethics Administrator are only disclosed to the County Administrator when appropriate.

Proposed Amendments to the UG Code of Ethics

Section 2-256. Advisory opinions.

Minor stylistic and editorial changes.

Proposed Amendments to the UG Code of Ethics

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

Clarifies that a copy of the ethics pledges and oaths of elected officials and other UG representatives are kept by the Legislative Auditor.

Proposed Amendments to the UG Code of Ethics

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

Minor stylistic and editorial changes.

Proposed Amendments to the UG Code of Ethics

Section 2-259. Conflicts of interest; disqualification.

Clarifies that prohibitions on conflicts of interest include the UG representative themselves.

Clarifies that a UG representative is disqualified from a matter where they know their relative has an interest in a business entity.

For the disqualification where a UG representative or their relative holds a position in a business entity, exempts a non-profit where they are not paid and if they fully disclose prior to the participation or vote.

Proposed Amendments to the UG Code of Ethics

Section 2-259. Conflicts of interest; disqualification.

Clarifies that a UG representative that discloses or recuses or does not participate on a specific matter with a business entity may still vote on the general budget.

Permits a UG representative, after full disclosure of the interest at the time of the vote or becoming aware of the conflict of interest: to hold stock or investment of <5%; have bank accounts; or receive a loan of >\$5,000 that is available to all citizens or residents

Proposed Amendments to the UG Code of Ethics

Section 2-260. Employment Restrictions.

Reinstates exception proposed for UG commissioners in the employment restrictions of subsection (a), which prohibits employment by the UG, or being employed within 1 year after termination with the UG by:

A business entity regulated by the UG representative or their agency; or

A business entity negotiating or in contract with that UG agency

Proposed Amendments to the UG Code of Ethics

Section 2-260. Employment Restrictions.

Simplifies references and clarifies provisions of subsection (a) to include current and former affiliation.

Permits a former UG employee to respond to an RFP and be awarded a contract during the 1-year period after termination.

Proposed Amendments to the UG Code of Ethics

Section 2-261. Solicitation or acceptance of gifts.

Deletes a typographical error.

Proposed Amendments to the UG Code of Ethics

Section 2-262. Gratuities and kickbacks.

Deletes a typographical error.

Proposed Amendments to the UG Code of Ethics

Sec. 2-263. - Prohibition against contingent fees. (unchanged)

(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.

Proposed Amendments to the UG Code of Ethics

Sec. 2-264. - Confidential information. (unchanged)

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.

Proposed Amendments to the UG Code of Ethics

Sec. 2-265. – Prestige of office.

Corrects a typographical error.

Adds a cross-reference to new definition of “usual and customary”

Clarifies that gain of another is not limited to private gain.

Clarifies that a UG representative must avoid misuse of office and can request an advisory opinion.

Proposed Amendments to the UG Code of Ethics

Sec. 2-266. – Nepotism.

Deletes the existing section and replaces it in its entirety with more specific prohibitions.

Previous language prohibited the UG from hiring a person whose spouse, child sibling, or parent was: Mayor/CEO; a UG commissioner; or an employee of the mayor or UG commissioners or county administrator.

Ethics Commission also proposed to delete the grandfather clause for those already employed before the provision was adopted and those who became spouses after being employed.

Proposed Amendments to the UG Code of Ethics

Sec. 2-266. – Nepotism.

General prohibition on hiring or influencing the hiring of a UG representative's spouse, child, sibling, parent, or household member (except as following a written advisory opinion).

Adds definition of "household member".

General prohibition on UG representative participating in any matter where a relative or household member is a party, derives monetary gain or loss, or has an employment advantage.

Proposed Amendments to the UG Code of Ethics

Sec. 2-266. – Nepotism.

General prohibition on UG representative supervising, promoting, disciplining, etc., a relative or household member in their office or one over which they control (except as following a written advisory opinion).

General prohibition on UG representative discussing or deciding budgetary line items affecting the employment, compensation, or benefits of a relative or household member (except as following a written advisory opinion).

Clarifies that a UG representative may discuss or decide general budget matters provided that the relative or household member is not affected individually or greater than other UG residents.

Proposed Amendments to the UG Code of Ethics

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

Adds a prohibition for a UG representative using UG equipment or materials to produce or forward social media communications to a personal computer or others, or using a UG title or resources to advocate support for or opposition to a candidate or issue.

Permits a UG representative to file to run for mayor/CEO or UG commissioner. Provides that such person must resign employment or appointment before being sworn-in. Previous language prevented such person from filing for office unless they resigned.

Proposed Amendments to the UG Code of Ethics

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

Changes the dollar limit—from \$25 to the statutory limit for certain state offices now set at \$500—for UG employees or officials to contribute to a candidate for UG office or a referendum.

Clarifies that an incumbent UG official can use their title in re-election campaign materials.

Proposed Amendments to the UG Code of Ethics

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

Permits the use of a title for historical or background purposes in a political campaign.

Clarifies that a UG official or employee is terminated by the County Administrator on the date of their swearing-in as mayor/CEO or UG commissioner, and not upon their filing for such office.

Proposed Amendments to the UG Code of Ethics

Sec. 2-268. - Contractual violations and recovery. (unchanged)

- (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 thereunder 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 thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the unified government and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

Proposed Amendments to the UG Code of Ethics

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

Adds that violations found by the Ethics Commission are also subject to discipline. Currently, only violations found by a court are subject to discipline.

Includes violations of the Ethics Pledge and the Ethics Oath to the provision providing that violations of the Ethics Code are subject to discipline.

Proposed Amendments to the UG Code of Ethics

Sec. 2-270. – Whistleblowing. (unchanged)

(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:

Proposed Amendments to the UG Code of Ethics

Sec. 2-270. – Whistleblowing. (continued)

- 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.

Proposed Amendments to the UG Code of Ethics

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

Clarifies that the UG Ethics Pledge applies to UG officials.

Proposed Amendments to the UG Code of Ethics

Sec. 2-272. - Ethics oath. (unchanged)

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: _____

Thank You

UG Ethics Commission

Ricky Bragg, Chairperson

Ian Tomasic

Adrianne E. Ford

Joseph I. Wittman

Paris Clark



Published _____

ORDINANCE NO. _____

AN ORDINANCE relating to amendments to certain sections of the Ethics Code of the Unified Government of Wyandotte County/Kansas City, Kansas; and repealing such original sections.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That Sections 2-251, 2-253, 2-254, 2-255, 2-256, 2-257, 2-258, 2-259, 2-260, 2-261, 2-262, 2-265, 2-266, 2-267, 2-269, and 2-271 of the Code of Ethics of the Unified Government of Wyandotte County/Kansas City, Kansas be and are hereby amended and shall read as follows:

Sec. 2-251. Declaration of policy.

The unified government of Wyandotte County/Kansas City, KS seeks to serve its citizens in a just and equitable manner. To that end, the unified government established a code of ethics as the standard for that service. 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 and 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. 2-253. 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:

Administrator means the ethics administrator.

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.

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 who are subject to an indirect or secondary effect from official action. Creditors, independent contractors, or guarantors of a person "affected" by a vote or decision are not also deemed to be "affected" by virtue of their relationship with the affected person. The vote or decision need not be the only producing cause of the economic effect or consequence reasonably likely to result. In determining whether a person, entity or property is or was "affected" by a vote or decision, it shall not be necessary to prove the actual existence or occurrence of an economic effect or consequence if such effect or consequence would be reasonably expected to exist or occur. Additionally, a vote or decision to place a matter on a ballot is deemed to affect a person, entity or property to the same extent that the results of the election would affect the person, entity, or property.

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.

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.

Child means and shall include a natural child, adopted child, stepchild or foster child, of whatever age.

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

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.

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

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

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.

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 or item, 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.

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.

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

Parent means and shall include natural parent, adoptive parent, step parent, or foster parent.

Usual and customary means those actions or conduct taken in keeping with agreeing with or established by custom or common usage; the regular or routine duties of an official or an employee; the accepted conventional, established, ordinary or traditional actions or conduct of an official or employee such as those actions germane to the fundamental functions of government. For instance, it would be "usual and customary" constituent service for an elected official to

attend or participate in a ribbon cutting ceremony for a new business or entity in his or her district. It would not be “usual and customary” constituent service for an elected official to engage in general, direct fundraising solicitation using his or her unified government letterhead, email or title for the benefit of one non-governmental, non-profit entity to the exclusion of others. For purposes of interpretation of this term under the ethics code there is a presumption that those constituent or employee activities or relationships with non-profit entities that existed and allowed the use of title or resources prior to the adoption of the ethics code were considered to be within the “usual and customary” exception. Use of title for personal gain of either an official, an employee or a third party would not be considered “usual and customary” constituent service or employee duty.

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.

Social Media is defined broadly to mean any forum on the World Wide Web on which people can share ideas or information. Social media includes websites or web pages maintained by the unified government and those maintained by persons outside the unified government on which unified government employees may share ideas or information. Examples of the latter include websites or blogs having comment or feedback sections, wikis, social networks (such as Facebook, Twitter, and LinkedIn), sites for posting photographs, audio recordings, or videos (such as Flickr and YouTube), virtual worlds, and message boards. Sharing of ideas or information may take many forms, including posting of articles, comments, photographs, music, videos, or podcasts, wall postings, tweets, and other forms in which ideas or information are shared.

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.

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.

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.

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

Unified government official unless otherwise expressly defined, includes the mayor/~~chief~~ executive officer (CEO), unified government commissioners, county administrator, deputy county administrators, assistant county ~~administrator~~ administrators, 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~~ from time to time.

Unified government representative means elected officials, unified government officials, and employees.

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, or requesting the ethics administrator to render advisory opinions on its behalf. 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~~ one 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 or request the ethics administrator to do so on its behalf, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion opinions shall be made available to maintained by the ethics administrator and the legislative auditor and made available to the unified government representative person making such request and, in redacted form, to the mayor/chief executive officer (CEO) and the unified government board of commissioners and the county administrator as may be appropriate. Such ~~opinion~~ opinions may also be released to the public at the discretion of the ethics commission with such additional omissions redactions as may be necessary to protect the confidence and privacy of ~~any unified government representative~~ the person requesting the opinion.
 - (h) The ethics commission shall have the power to make recommendations to the district attorney who may initiate and investigate matters deemed appropriate.
 - (i) All persons covered by the jurisdiction of the ethics commission shall receive training to include familiarization with the ethics oath, ~~the ethics handbook~~ the code of ethics, and the general subject of local governmental ethics to be administered by the ethics administrator under the direction of the ethics commission.
 - (j) All 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. All such oaths and pledges for elected or appointed officials shall be retained in the office of the legislative auditor.
 - (k) Members of the ethics commission shall be subject to the ethics code.

- (l) Any commissioner appointed to the ethics commission shall be subject to removal by the ad hoc ethics commission appointment panel for cause found, after the panel meets with and interviews the commissioner and determines such removal is warranted or justified.

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 of~~ monitor receipt of complaints, requests for advisory opinions, requests for information, 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 and provide verbal and written advisory opinions. In conducting such investigations or the preparation of advisory opinions, the ethics administrator, when deemed appropriate by the legislative auditor, shall have access to and use of the resources of the office of the legislative auditor, the office of the district attorney, the office of the mayor/chief executive officer, the office of the county administrator, the human resources department and all other unified government departments, including but not limited to the police, sheriff and legal departments.
- (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 discipline or censure those in violation of the ethics code. Disciplinary or censure 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. Each such memorandum of public censure, once issued, shall remain posted on the unified government ethics website for a minimum of ninety (90) days or up to and including the remaining duration of an elected or appointed official's term(s) in office or the duration of an employee's employment with the unified government, depending on the nature and severity of the violation. The time period for postings shall be specifically set forth in the memorandum of public censure when issued.

- (3) A memorandum of recommended removal from office from the legislative auditor to the appointing authority or authorities for any appointed board, commission or task force member.
- (3)(4) The authority to recommend and have ~~impose~~ imposed upon a unified government employee by the legislative auditor upon recommendation to the county administrator an involuntary leave with or without pay pursuant to personnel policy and procedure;
- (4)(5) The authority to recommend and have imposed upon a unified government employee by the legislative auditor's recommendation to the county administrator a verbal warning, written warning, demotion, or other administrative steps up to and including termination pursuant to personnel policy and procedure as deemed necessary by the ethics administrator with the approval of the legislative auditor; and
- (5)(6) Upon belief that the factual allegations support the reasonable belief that a crime may have been committed by a unified government representative, to recommend to the legislative auditor to refer the matter to the to the district attorney of the county for review and further action.
- (7) With respect to the potential actions contemplated in subsections 1-3 above, prior to the imposition of the same, the legislative auditor and/or the ethics administrator, at the request of the legislative auditor, shall provide a copy of the proposed memorandum of censure or removal to the unified government representative and provide reasonable opportunity for provision of a response, either verbal or written, within three (3) business days of such provision after which such memorandum shall be issued unless grounds for change or revocation are found warranted. There shall be no further right of appeal or review under the UG Ethics Code. The ethics code does not contain any provision for removal of an elected official.
- (8) In considering and determining the nature and extent of discipline or censure to be taken or recommended the following factors, including any others relevant to the particular factual situation, may be considered:
- a) The nature and severity of the misconduct;
 - b) The duration of the misconduct;
 - c) The position and responsibilities of the alleged violator;
 - d) The amount of financial or other loss to the unified government, if any, as the result of the misconduct;
 - e) The value of anything that was received or sought;

- f) The efforts taken by the alleged violator to either disclose and correct the misconduct, or to conceal it from, or otherwise deceive or mislead, other officials, employees, the ethics administrator, the ethics commission, or the public;
 - g) Whether the alleged violator in any way coerced or intimidated subordinates or colleagues into participating or failing to report the misconduct;
 - h) The costs incurred in enforcement;
 - i) Whether or not the alleged violator sought advice from the ethics commission or administrator and what the advice was;
 - j) Whether the violation appears to have been inadvertent, negligent or deliberate;
 - k) Whether the incident appears to have been singular or part of a pattern;
 - l) Whether a violation is a first violation, or the alleged violator has been found to have violated the provision or other provisions before;
 - m) Whether the conduct appears to have been induced, encouraged or aided by a superior, colleague, or someone outside of government;
 - n) Whether the alleged violator cooperated with the ethics administrator in terms of his or her own conduct or the conduct of others; or
 - o) Whether the alleged violator had prior notice or reason to believe, due to the handling of similar situations or training, that the conduct was prohibited.
- (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 and appointed 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 or personnel matters and not disclosed to any person except the accused, the legislative auditor, ~~the county administrator,~~ and the ethics commission and when appropriate, the county administrator or the district attorney.

Sec. 2-256. Advisory opinions.

- (a) Where a member of the public or a 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~~ herein, he 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.

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~~ representative, 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~~ the ethics pledges and oaths shall be kept by the ~~unified government clerk~~ legislative auditor for the elected officials; ~~and by the legislative auditor~~ for other unified government representatives, except that the

department of human resources shall keep ~~them~~ the ethics pledges in the personnel files of each unified government employee.

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 or 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.

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

- (a) Except as permitted by state law or a unified government ordinance, ~~the a~~ unified government representative shall be disqualified and shall not participate in any matter before the unified government agency with which the 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, 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 or in which the unified government representative knows any of the relatives listed in this section 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; however, if the business entity involved is a non-profit entity from which the unified government representative or any of the relatives listed in this section receives no personal financial remuneration of any kind, the unified government representative may participate and vote so long as the unified government representative, prior to such participation or vote, publicly discloses the full nature and extent of any relationship with the entity and any and all involvement

or connection with the matter before the commission, board, panel or task force addressing the matter:

- (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~~ the 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~~ of 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~~ any entity 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 fully 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.
- (c) Nothing in this section shall prohibit a unified government representative, after full disclosure or recusal or non-participation on a specific matter based on the above stated provisions, from voting on the general budget which may include an allocation for such an entity or matter.
- (d) Subsection (a) shall not apply or disqualify a unified government representative from knowingly doing any of the following, so long as the unified government representative provides full and complete public disclosure of the nature and extent of the interest at the time of the vote or at such time as the unified government representative becomes aware of the interest:

- (1) Holding stock or investing in or holding any investment in any business entity or mutual fund whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than five percent of the ownership or investment in the entity;
- (2) Having deposits of money in any banking institution made in the ordinary course of business, or
- (3) Accepting or receiving any financial benefit or extension of credit in the excess of \$5,000.00, which is provided for or made available to all citizens or residents, or classes of citizens or residents.

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 by~~ the unified government representative ~~is employed by the unified government or shall not, within one year of terminating representation with the unified government, also be employed 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~~ unified government representative is or 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 or was 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.

- (e) A former unified government employee may, within one year of terminating their employment, respond to and be awarded a contract as a result of a public request for proposal, bid, notice of need, request for qualification, or similar public solicitation.

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~~, 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~~ a 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.

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~~, 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.

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~~ another, except as may be permitted under this division.
- (b) The performance of usual and customary constituent services as "usual and customary" is defined in Sec 2-253, or employment duties, 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.
- (c) The gain of another referred to in subsection (a) of this section is not limited to private gain.
- (d) It is the personal responsibility of each unified government representative to avoid any misuse of the prestige of office. Upon request, the ethics administrator may provide an advisory opinion to ensure proper compliance with this section.

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 commissioner on the 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.~~

(a) Prohibitions of Hiring

- (1) A unified government representative shall not appoint or hire or participate in influencing the appointment or hiring of that representative's spouse, child, sibling, parent, or household member for any type of employment, including by contract (unless competitively bid), except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.
- (2) "Household member" means persons having legal residence in or those presently living together at the same place of residence.

(b) Prohibitions of Supervision/Advocacy

- (1) A unified government representative shall not participate in any matter as part of his or her public duties if he or she has reason to believe or expect that any person within his or her family or any household member, as described in subsection (a) of this section, is a party to or a participant in such matter, or will

derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.

- (2) A unified government representative shall not participate in the direct supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within the representative's family or household, as described in subsection (a) of this section, in the office in which the unified government representative is serving or over which he or she exercises fiscal or jurisdictional control, except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.

(c) Participation in Budgets.

- (1) *Specific Line Items.* In addition to the prohibitions set forth in Sec. 2-259, a unified government representative may not participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation, or benefits of any person within the unified government representative's family or household, as described in subsection (a) of this section, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.
- (2) *Vote on Entire Budget.* Notwithstanding the prohibitions set forth in Sec. 2-259, a unified government representative may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within the unified government representative's family or household, as described in subsection (a) of this section, is impacted by the entire budget as a resident of Wyandotte County/Kansas City, Kansas as a whole, and not individually or to any greater extent than any other similarly situated resident of Wyandotte County/Kansas City, Kansas.

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, a 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; or
 - e. Produce, authorize and/or forward social media communication (i.e., email, Facebook, Twitter, etc.) to a personal computer or to others on a unified government computer or using unified government title or resources that advocates the nomination, election, support, or defeat of any identified political candidate or political issue.
- (3) *Prohibited voluntary political activity—Elections.* No official or employee of the unified government shall do any of the following:
 - a. Remain a unified government representative if the unified government representative is a successful candidate for elective office as mayor/chief executive officer, or commissioner on the board of commissioners for the unified government. Such unified government employee or official shall resign his or her employment or appointment on or before the date of his or her swearing into office. If such unified government representative does not resign his or her employment or appointment by such date, such employment or appointment shall be terminated on that date by the county administrator. 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 which includes the incumbent mayor/chief executive officer and the unified government board of commissioners.

- 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 the monetary limits established in K.S.A. 25-4153(a)(2) \$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 a 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. Further, nothing herein shall be construed as prohibiting an incumbent unified government elected official from using his or her title in campaign materials, signage, or public announcements or speeches in his or her own re-election campaign.

(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 other than for historical or background purposes, nor shall the person's official authority be used to affect the result of the election. In the case of an incumbent official, nothing shall prevent that official from using his or her title in campaign materials, signage, public announcements or speeches in his or her re-election campaign. 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~~ by the county administrator on the date of his or her swearing into said office if he or she is the successful candidate in the election and has not resigned. Excluded from this prohibition are the individuals holding the positions of mayor/chief executive officer and commissioner on the unified government board of commissioners running for re-election.
- (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.

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

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

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~~ unified government officials, 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: _____

Section 2. That the original sections 2-251, 2-253, 2-254, 2-255, 2-256, 2-257, 2-258, 2-259, 2-260, 2-261, 2-262, 2-265, 2-266, 2-267, 2-269, and 2-271 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF
_____, 2025.**

Tyrone A. Garner

Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Angela Lawson, Chief Counsel