

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL MEETING, THURSDAY, MARCH 6, 2025

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, March 6, 2025, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District (arrived at 6:31 p.m.); Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Burroughs, Commissioner At-Large Second District and Mayor Pro Tem; presiding. Ramirez, Commissioner Third District; and Garner, Mayor/CEO, were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Reed Partridge, Legislative Auditor's Office; Monica L. Sparks, Unified Government Clerk; and Ian Tomasic, Ethics Commission, was also present.

Mayor Pro Tem Burroughs said before I call the meeting to order I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should please mute their phones when not speaking to avoid background noise. During the meeting, please make sure you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office and please be sure to speak directly into the microphone to ensure your comments are heard and an accurate record can be made of this meeting.

Mayor Pro Tem Burroughs called the meeting to order.

NOTICE OF 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 p.m. for a presentation from the Unified Government Ethics Commission regarding proposed amendments to the Ethics Code. It was originally noticed for the fifth floor conference room. It

was moved to the Chambers. Roll call was taken and there were eight “Ayes,” Kane, Lopez, Stites, Davis, Bynum, Burroughs, Burns, Hill.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Pro Tem Burroughs said tonight we are scheduled for a presentation from the Ethics Commission regarding the proposed changes to our Ethics Code. I will turn the meeting over to Reed Partridge from our Legislative Auditors Office for remarks and introductions.

Reed Partridge, Legislative Auditors Office, said I’m acting as the Ethics Administrator. That position is vacant right now, but we’re going to fill that. Tonight we have a presentation on the code and the program, revisions to the code which are mostly minor revisions to the code. Nothing I consider drastic or earth shattering. We have the Ethics Commission here. We have one member who couldn’t make it, Commissioner Paris Clark, she couldn’t make it, but otherwise I will let our commissioners introduce yourself if you would like. The following introduced themselves: Rickey Bragg, Ian Tomasic, Joe Wittman, Adrienne Ford.

Commissioner Burns said, Reed, before we get started I think at the last meeting we requested that the Chief Judge be here. **Mr. Partridge** said I talked to Judge Burns as well as District Attorney Dupree and they feel their role is pretty limited with the Ethics program. We’re going to get into their role a little later, but it felt like—well, first of all he said that he would discuss that with you personally. He also said that really their role is limited to—Judge Burns appoints my position. I report to him and then Judge Burns as well as myself and the District Attorney we appoint the commissioners and that’s the extent of their role. **Commissioner Burns** said I just thought he maybe he could come and say that. I don’t know if members of the Commission knew that he appointed you along with the D.A. **Mr. Partridge** said that’s going to be part of our program here tonight. So, hopefully, after we’re done here, those questions will be answered.

I’m going to move on and I’m going to roll through this PowerPoint.

UG Ethics Commission

From the Consolidation Study Report (UG Charter) 1997:

Ethics Commission: An Ethics Commission will be created as an ~~advisory board~~ ^{advisory board} 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~~ ^{full} yeaterm. The terms will be staggered at the initial appointment with ~~one~~ ^{one} half of the Commission serving a ~~two~~ ^{two} year term and ~~one~~ ^{one} half serving a single, full, ~~four~~ ^{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.

The first couple of slides, and there's a lot of words here, you don't have to read that. The main thing, the main thrust to this is that the Ethics Commission and the program was authorized under the Consolidation Report in 1997 and it was adopted as part of our Charter, so that's where we get our authority from. It comes right at the very beginning of the Unified Government. It outlines some of the things that—the responsibilities as well as, you know, given its authority.

For example, it discusses the role of the commissioners which is to recommend improvements to the code which is why we're here tonight. That's specifically mentioned in the Charter. They also make recommendations for any ethical violations, what recommendations may be necessary if there is a violation of the code. They also give direction on any advisory opinions that are issued by the Ethics Commission. The Ethics Commission has subpoena power, although to my knowledge it's never been used, but the code does give them subpoena power.

The code also outlines that almost everyone in the Unified Government falls under—the code applies to say almost everyone in the Unified Government. It does not apply to state employees, the District Court. It does not apply to the Sheriff himself or the District Attorney himself, but it does apply to their departments and their employees.

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.

This next slide is also more excerpts from the Charter and you don't have to read that. The main thing is at the very top, Citizen Oversight. The Charter established the Auditor's Office as well as the Ethics Commission as Citizen Oversight.

There's a couple things I wanted to add to that. One of the main thrusts of the code is independence. That was the idea behind the Citizen Oversight to give this program independence. That independence gives the program credibility that minimizes any outside influence from department heads, elected officials. However, the independence kind of comes at a cost. It comes at a cost of authority, so any recommendations that we make have to rely on the strength of their argument rather than our say so.

I also want to mention that the Ethics program is not the beginning or the end of ethics in the Unified Government. It has a focus and that focus is the code and it's outlined in the code and Ian later is going to go over the parts of the code, but there are other programs in the Unified Government that deal with ethics. Our Procurement Division has an enormous responsibility for ethics in their procurement of goods and services. The Legal Department and the HR Department all have components of ethics. The Police Department and the Sheriff's Office, they have Internal Affairs programs and those are essentially ethic programs. I wanted to keep that in mind that the Ethics Code can possibly cover every ethical scenario that comes down the pike and so that's why we have this code that has a focus. So when we get complaints, that's one of the first things we do is we filter it through. Now, is this for us or is it better suited for the Procurement Department or the HR or Legal.

The other thing I've done recently is I've kind of compared our program with other jurisdictions and I can really honestly say that the Unified Government Ethics program compares favorably with any of the larger jurisdictions. I looked at all the large counties, Sedgwick, Johnson,

Leavenworth, Douglas, Shawnee, all the large cities, Wichita, Overland Park, Olathe, Topeka, Lawrence and our program—you know I just did brief research. I went through their website, went through their code, their municipal code and I'm confident that our program is not lacking compared to any of those jurisdictions.

A couple of things that stand out from our program is our web presence. We have three web pages dedicated to the program. We have one for the Ethics Administrator, one for the commissioners themselves, and one for the code and the overall program. You know a lot of those jurisdictions you type in the word ethics, anything, and it just comes up nothing. The other thing is the independence. No other program has the level of independence that we do. There's other differences as well. I mean some of the jurisdictions have two codes, one for elected and one for their employees and some of them don't have a standalone code. Part of it is in their employee handbook and part of it is in their procurement section and so on. There's nothing wrong with that. It's just some of the differences I've noticed.

A few more things, I wanted to mention that the Ethics Administrative program is a part-time program. That's written right into the Charter and the code. At the time, and I was around in '97 when it started, I was much younger, but it was intended not to be another bureaucracy. It was fully intended to be part-time, no pre-approvals, no extra paperwork or red tape. You don't have to run things by the Ethics program to get a contract approved or something like that. At the very beginning there was a small office on the mezzanine in the Courthouse. We gave them a laptop and a projector for training and some furniture and even that proved to be unnecessary. The program now operates just using any of the equipment that we happen to have in our office or any office space that they can find in the Courthouse to hold meetings.

I'll just mention for the record, the budget this year is \$63,852 and actual costs are quite a bit less when it comes down to it.

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~~ term.

When we get to the commission themselves, as I said before, their job and role is to improve the Ethics Code, which is why we're here tonight. To review and report on any violations and they make recommendations. That's one of the things, they have no real authority to make change. The only real authority we can do is the censure, which is essentially just a letter. The censure can be public or private, but almost everything else is done through recommendation. The commission also renders advisory opinions. They assist the Ethics Administrator with advisory opinions on any questions that come about the code.

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.

This is where Commissioner Burns was talking about—whenever there's a vacancy in the commission there's an Ad Hoc Ethics Commission Appointment Panel which is Judge Burns, District Attorney Dupree and myself. We appoint from volunteers from Wyandotte County to fill that position. It's a four-year term. I think we have two people rotating out this year so we'll be getting the panel together soon. Judge Burns of course and the District Attorney, they're elected,

they're state employees. That's the separation, that independence that we talked about earlier and then I'm appointed by Judge Burns.

The Ethics Commission gets complaints and I just wanted to go over real quickly before I turn it over to Ian and I tell people all the time the first thing to do go to the website and it explains how—you can read the code to see if you have a complaint. If you do have a complaint, you can email it, you can call the hotline. I wanted to mention that the ethics complaints are confidential. They can be anonymous. If you email the code, you'll notice that it's a Gmail address. That ensures some confidentiality. Our technology people don't have access to that account. I'm the only one currently that has access to that email account. We also have a phone number for hotline, answering machine. I'm the only one—it's not a 573 number. I'm the only one that—you know voicemail is in our office in the Courthouse, so I'm the only one that has access to that right now.

So far this year we've had about 10 calls and that's about the average, five a month. We rarely get email complaints, not too many. We almost never get a fax, via fax, or a written complaint like that. It's almost always through the phone.

That is all the background I have for you. If you have any questions, now would be a good time and then we're going to turn it over to Ian for the actual code.

Commissioner Burns said, Reed, you correctly identified the District Court employees. The DA, the Sheriff, you left out the Register of Deeds. **Mr. Partridge** said that's right, the Register of Deeds, that is correct, they're state, they're elected officials. They're kind of technically state employees, it's a state function. The employees themselves fall under the code, but the elected do not.

Commissioner Kane said we've had 10 complaints, so if there's a complaint against a commissioner, does the commissioner know there's a complaint against the commissioner? **Mr. Partridge** said no. We'll take it forward. I mean if there's an investigation, obviously we'll probably have to talk to the commissioner and it depends on if it goes forward or not, but yeah, I would say yes that you'd have to know. Then, of course, obviously if there's some kind of censure or letter or something, you would get that. If there is a censure or some kind of action, there's like three days to respond, so it's not just going to be slapped on you. Yes, obviously, if we do any kind of investigation, we would have to get you involved.

Commissioner Stites said of the 10 that you're talking about, is that county, is that UG wide or is that—you're saying over the first of the year you said you've had 10 complaints. Is that 10 against the commissioners? **Mr. Partridge** said no. **Commissioner Stites** said UG wide. I was going to say golly. **Mr. Partridge** said we get a lot of calls and that 10 includes things that are not related to ethics. We get a lot of dog barking, absentee landlord, a lot of things that have to be redirected.

Commissioner Burns said I have one more question and I think I know the answer to it. If someone files for a County Commissioner position or the Mayor, they don't come under any obligation to follow the Ethics Code, do they? **Mr. Partridge** said I think that's part of the changes that we're going to. At some point the candidate does not, but once they're elected they are. There has been some changes over the years.

Commissioner Bynum said on the website I see agenda's. The most recent one being July of last year and the minutes the most recent I see are February of last year. **Mr. Partridge** said right. Let me—that website what you're looking at is I guess you call it archived or whatever. What we've done in the last couple months and if you kind of read the fine print, but it redirects you to Monica, so we're trying to get onboard with getting everything through Monica like it should be. But before, yeah, we were kind of doing our own thing, but I think in the last six months any meetings and minutes and so forth will go through Monica so you'll be able to find them just like everybody else's minutes and agendas. **Commissioner Bynum** said, Monica, is that done because I think I'm looking at the official website. **Monica Sparks, Unified Government Clerk**, said we have started noticing out those meetings. I think we've done two this year. **Mr. Partridge** said there's only been—we've only had one meeting. We had one cancellation, so this is our third—we're not having a March meeting because this is it, so there hasn't been a lot of opportunity to use Monica's system. **Commissioner Bynum** said I see. It says here beginning 2025 agendas and minutes will be posted to the Unified Government Clerk's Office on the agendas and minutes web page, so I probably still am not in the right place yet. **Mr. Partridge** said you'll find the minutes and agendas in the same place that you find all the other minutes and agendas. **Commissioner Bynum** said thank you.

Mr. Partridge said I'm going to let Ian dig into the code itself and some of the changes and like I said I don't think there's anything here too terribly drastic, but he's got quite a bit.

Ian Tomasic, Ethics Commission, said I have prepared a lot of remarks, but my hope is I don't just go through and read all the slides because I believe you guys have had these for at least a month at this point. We have highlighted with our slides some of the changes or just some of the important parts of what we've changed.

One of the things that we touched on is that part of our duty as commissioners every time we meet is continuously addressing and reviewing the code to decide based on what complaints we've received, based on our review, what amendments need to be made, what things need to be changed just to come up to the times, what do we think we're lacking, or what just can be written better to be better understood.

UG Code of Ethics

Codified at:
Sections 251 through 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.

The code that we have presented or that we've submitted actually is a process of I think the last 11 years, so 11 years of iterations of the Ethics Commission have been making amendments. I know it was presented to Mayor Holland a while back, some of these changes and nothing happened with that, so we took it back up and we've continued to make amendments. Tonight is a culmination of 11 years' worth of groups of comments and considerations in amendments trying to make the code better. So it's not just us four the last four years. It's a whole process for 11 years to make it better to understand and easier to comply with frankly because if you are UG employees or if you're individual citizens of Wyandotte County that are trying to understand what the purpose of the code is, if you can't understand it because it's too legal ease or it's too confusing, then what's the point of it if you don't know what you're supposed to be doing.

We've tried to fix some of that. As we continue on we will continue amending some of the language to try and make it more clear, but that's sort of what our goal is when we're sitting down in meetings, not just talking about the complaints that we received because when Ruth would

explain the complaints that were received, as Reed mentioned, I think 90% of them were trash or dogs or something like that. There are some, obviously, that were substantive but there's a lot where individuals are just asking for advisory opinions. Hey, the political season is coming up I want to be able to do X, Y & Z, can we do that. So, it's not just a code where we're looking to punish individuals. We're trying to guide individuals into making the right decisions so that whatever decisions they are making are the most beneficial for the citizens of the UG and the UG as a whole.

That really is what our idea is behind the code. Of course, anytime there has to be some restrictive language in the code because if individuals—in order for us to discipline anyone or in order for individuals to know what they can't do, we have to have that language in there. We would also like, I think, to transform the code into something more of what should we be striving towards. In our decisions what should UG officials be looking to do in order to make sure that we are continuously being ethical and making the right decisions for our office, for our positions, for our citizens. That's some of the things we're thinking about when we're amending the code or when we're considering or having comments about what the code should be.

Proposed Amendments to the UG Code of Ethics

Section-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.

Some of the slides in Section 2-251 through 2-272 have I guess major changes. Some of them don't have changes that are that significant at all. I've got notes on all the slides. I'm happy to go through it. I guess at the outset, is there anyone that has question on a specific slide or a specific section. If you do, please interrupt at any time, otherwise I'm going to read through some of the changes that I think are important just so you have an idea what's been changed. I was not intending on reading the entire code though just for the record.

Section 2-251 is the introductory paragraph. It simply is the Declaration of why we have this code, what's the purpose of it. The only thing we did here that would change the original language is to add in language to specifically indicate that Unified Government, its employees, its representatives are seeking to serve the citizens of the UG in a just and equitable manner. Again, it's a comment that is leaning towards our idea of we want to make the code something that employees can read and look at to understand what they're doing, how they should be striving in order to serve the citizens. So, that small change just at the beginning of the paragraph is something that we're trying to add in to indicate the point or the whole purpose of the code in and of itself.

Proposed Amendments to the UG Code of Ethics

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Section-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 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.

Section 2-252, Findings and Purpose, there is nothing that was changed in that section.

Proposed Amendments to the UG Code of Ethics

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Section-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"

Section 2-253, Definition. This is again just trying to modernize the code and change it to make sure it's progressively changing with the times. We're updating the definition of "child" as it pertains to different sections of the code just to include a natural child, so it includes a natural

child, includes adopted child, stepchild, foster child to hopefully include—to be inclusive of anyone that might have children and how they might have obtained those children.

The next section we added was the definition of what a parent would be because there are multiple sections that talk about parents or households members, so trying to describe that and then finally for the—well, the last two “usual and customary”, so usual and customary the only place that’s used is in Section 2-265 which is Prestige of Office. Previously that was undefined so I think we thought that left too much ambiguity, so we wanted to go in the definition section. We added a definition of what usual and customary means just so it’s less ambiguous when you’re looking at prestige of office and whether someone is doing something that is usual, that’s customary, a little bit more of an explanatory role there.

The final thing for the definitions was adding a definition of “social media”. The only place that this is used is in 2-267, which is the prohibited political activities. Facebook, Instagram, all that was not as big when the original code—I don’t even know if it existed when the original code was made so in terms of individuals sharing things on Facebook or using social media while they’re at work or with their UG logo in the back or with whatever thing would identify them as a UG employee, we wanted to make sure that there were restrictions as far as how you can interact with your social media for political purposes just because it wasn’t there previously and there was a gap we felt like.

Proposed Amendments to the UG Code of Ethics

Section-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.

Section 2-254, really there’s just some procedural changes and clarifications here. As it’s written now the Ethics Commission is the only one that can issue an advisory opinion. Really we just clarified that the Ethics Administrator also can obviously do that. One is because the Ethics Administrator is paid and we are not, so it’s nice if the Ethics Administrator can do that while

they're on the clock versus—the only time we would have time to do that is when we're meeting semiannually as required, but when we meet on a monthly or every other month.

The next thing is it clarifies the length of term for Ethics Commissioners and it allows for advisory opinions to be requested by anyone. As it's written now, advisory opinions can only be requested by UG representatives, so not just citizens. With the amendment a citizen of Wyandotte County or anyone could request an advisory opinion on behavior or on something that dealt with the Ethics Code.

The final thing at the very end is that it allows for provisions for removal of Ethics Commissioners and what circumstances us commissioners could be removed from the Ethics Commission.

Proposed Amendments to the UG Code of Ethics

Section-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 censures on the website (90 days minimum)

Proposed Amendments to the UG Code of Ethics

Section-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

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Section 2-255, Ethics Administrator. Here it clarifies a procedure for public censure discipline basically explaining how long it needs to be on the website, how long it's visible for, when it can be taken down. The next thing that it adds on here is other forms of discipline that the Ethics Administrator and the Ethics Administrator can seek. As Reed mentioned the Ethics Administrator in and of itself doesn't have any power to remove someone from their job or to terminate employment, but the Ethics Administrator can make recommendations for those types of things. That's what we added a Section 3, 4, 5, 6, 7, and 8 just explaining that the Ethics Administrator can have a memorandum recommending removal from office of individuals. They can recommend to have different involuntary leave without pay. The Ethics Administrator can recommend to have as little as a verbal warning, a written warning or demotion, something like that, but it explains the whole process. It clarifies the whole process. Section 8 is a list of tabs—Sections A through O which just explains here's all the things that the Ethics Administrator, Ethics Commission should consider when making this determination, so it lays out what things the Ethics Administrator and Commission will review before making any sort of determination on what sort of discipline to recommend.

Commissioner Bynum said in this section it was quite extensive with the new language and I was just curious if it was found in another code or if the commissioners all worked with Mr. Partridge to like develop this whole section or where did it all come from? **Mr. Tomasic** said I think this is one that's been around in some form for many years through Ruth previously and other commissions and then obviously finalized with us. The belief is that as it stands if you have someone who has an extremely severe ethics violation, the only thing that Ruth or the Ethics Administrator could recommend is a public censure. In some scenarios that might not be enough.

It's almost—the hope was if you added in these other things of the Ethics Administrator being able to recommend a demotion or leave or that someone be fired that then it adds a little more teeth to some of these more severe violations. Let's say something is short of a criminal—of a crime or they're not convicted of something, but something that clearly we would find to be so adverse to our ethical standards, the hope is that there can at least be more behind the Ethics Code than just a public censure of you shouldn't have done that. That's why extending it and adding more provisions in just so that we can say yes, we are striving—the code is hopefully having individuals strive to be the most ethical versions of themselves for the citizens of Wyandotte County. But also saying if you violate that, if you violate that trust that you've been given to have this position, that there can be real world consequences for violating your ethical standards as opposed to just committing a crime. That's the hope behind that. Does that answer your question?

Commissioner Bynum said yeah, I was just curious if that language was developed among the commissioners or—I found it—**Mr. Tomasic** said I don't know specifically where the language came from. It was in the version before I was a commissioner. **Commissioner Bynum** said I see. I got you. It's been in progress. **Mr. Tomasic** said yes. **Commissioner Bynum** said okay.

Mr. Tomasic said I think that was it for 2-255.

Proposed Amendments to the UG Code of Ethics

Section-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.

Mr. Tomasic said the last portion of the slide here talks a little bit about I think what Commissioner Kane had asked for about whether you'd find out of certain—if there's a complaint made to the commission. Those are generally private matters and not public. As Reed mentioned, of course, if there's an investigation and everyone is interviewed, by proxy, you're going to understand you're going to find out, but the Ethics Commission, Ethics Administrator is not

allowed to publicize any ethics complaint that's received or any actions that's received unless it's a public censure or something that has gone through the correct processes. So, while it's under investigation it's private to everyone except for the Ethics Administrator, the commission, and obviously whoever is involved or whoever is interviewed.

Mayor Pro Tem Burroughs said I have a question in regards to that. If a commissioner comes forward with an accusation or a proposed suspected ethics violation, how do you all treat that so that it's not back and forth between the commissioners, aha gotcha, aha gotcha. If I remember correctly on the state side, if there was an ethics violation and I reported it in hypothetically of contributions, violation of contributions, the representative that reported it, they are pulled in too, their files are checked. That kind of eliminates some of this back and forth between individuals. Is there any kind of setup like that within your ethics? **Mr. Tomasic** said it's not specifically written out. Luckily we've not had any complaints about that for anyone, which is great, but that would be, of course, the duty of the Ethics Administrator and the commission to hopefully see is this something that looks like it's retaliatory or is this something that looks like we're trying to go after one person or another because of differing views. The hope would be that during the investigation, during any interviews reviewing the complaints that the Ethics Administrator and the commission will be able to see that.

That was one of the other sections that we've not used it, not had to use it, but the Ethics Commission does have—the Ethics Administrator does have the subpoena power so if necessary, presumably we would be able to do that in order to obtain some of those contribution lists if it wasn't already available or if we weren't able to get it in some other manner voluntarily I suppose.

Proposed Amendments to the UG Code of Ethics

Section-256. Advisory opinions.

Minor stylistic and editorial changes.

Section 2-256, Advisory Opinions, nothing really changed here, just making it more readable.

Proposed Amendments to the UG Code of Ethics

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Section-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.

Section 2-257 just clarifying and confirming that the pledges and oaths of office for all officials, elected and UG representatives, are kept in the Legislative Auditor's Office.

Proposed Amendments to the UG Code of Ethics

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Section-258. Conflicts of interest; prohibited interests.

Minor stylistic and editorial changes.

Section 2-258 just stylistic and editorial changes. I would note here that 2-258 is conflicts of interest, prohibited interests and it goes through in the first section talking about UG representatives, which in this scenario would include commissioners and elected officials cannot have a substantial interest in other businesses that are doing business with the Commission. Makes sense that you can't be voting on or having dealings with company A and you sit on the board of company A or you're paid by company A. That's one of the things that's listed in 2-258. The caveat being Section B and it applies to commissioners, it applies to everyone that works for the UG that's not a state elected employee and is that you can have a substantial interest in a business if that business was awarded a contract for the UG on the basis of a competitive bidding or a sealed

bid. So, in that idea being okay it's open to everyone within the community. It's sealed, it's a competitive bidding so it's not something where you all are voting—you're not voting for yourself to get this reward. It's procurement and someone else is making this determination in a sealed bid process which is open to the rest of the UG public, so in that manner it would be fair—at least the idea it would be fair because you've received it in due process and allowing the entire community to also be involved in that process and if your bid won, then that's the way that it works.

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 ~~positions~~ where they are not paid and if they fully disclose prior to the participation or vote.

Section 2-259, so disqualification. This is really talking about—the thing that's added—previously it said that it's a conflict of interest for a UG representative to vote on something or to do something that would benefit their own interests. Now we've added in, not only is it a conflict of interest if you're going to vote on something or if you're going to do something in your job that would benefit you, but if it would benefit your family or your household, then it remains a conflict of interest. It just adds in the okay well you're not benefiting yourself, but your son is awarded something because you voted because you awarded a contract to somebody or you made some decision in your office or you have voted on one thing or another that provides gain to yourself or someone in your household, then that would also be a conflict of interest. It expands the definition a little bit more.

The one caveat from that disqualification is that you would be allowed despite the appearance of a conflict of interest if your involvement was you're in a nonprofit from which you would receive no personal financial gain and if you have disclosed that relationship. So, if you're on the board of a nonprofit, you're not getting paid anything, your family's not getting paid anything, you're not getting any other sort of gain from this, then your nonprofit could do business

with the Unified Government as long as you're not or your family is not gaining anything in that scenario.

Proposed Amendments to the UG Code of Ethics

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Section-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

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Section-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 year period after termination.

Section 2-260, here is the portion talking about employment restrictions. It's clarifying really that you should not be employed by the UG and another business or you should not be employed by another business within one year of you leaving the UG if that business has a contract or some other sort of business with the Unified Government. It's very similar to the conflicts of interest portion. The one change that I would note on this and this is based on our ongoing review of the code and how we are considering at all times what the proper wording should be. The slide 19 indicates that it reinstates the exception proposed for UG commissioners, so as it is read right now—I apologize, let me turn to it, it says a UG government representative, except a member of the Unified Government Board of Commissioners, shall not be employed by the Unified

Government or shall not within one year of terminating representation with the UG also be employed by and then it gives a list.

For a period of time we had taken out the exception for commissioners. When we had proposed it we had taken out the exception for the commissioners thinking that no one should be excluded from the employment restrictions because we're continuously reviewing that, we moved it back to the way that it was written and adopted initially. So the only change we have here is just stylistic mostly.

Commissioner Stites said you said that you moved it back to the way it was originally written, so sometime after it was originally written in '97 it got changed. **Mr. Tomasic** said in the last 11 years when we've been writing our proposed amendments we had changed it, but of course it had never been voted on or approved. I think in the slides and I don't know what version in the slides that it indicates that the commissioners are exempt or not exempt from that portion. Because we've decided we want to make sure that all of the portions to 258 conflicts of interest, 259 also conflicts of interest, and 260 all match we re-reviewed even after the last 11 years and decided that the way it's written that has the exception that includes UG commissioners are exempt from the conflict of the employment restrictions. We thought that at this point in time that made more sense. **Commissioner Stites** said that they should be restricted. **Mr. Tomasic** said that they are exempt from the employment restrictions. **Commissioner Stites** said so you're saying hypothetically, not me, I did my 25 years at the Police Department, I'm not coming back, so if I left next year, you're saying within that next year I would be able to come back and work for the UG. **Mr. Tomasic** said subject to some of the Section 258, 259 Conflict of Interest portion.

Commissioner Stites said I guess I'm kind of confused. I don't know why we would allow—I mean why would we be any different than anybody else. I mean why are we allowed to come back to work when any other UG employee couldn't? I think it should be all inclusive. It should include everyone. That's my opinion. **Mr. Tomasic** said and that's what our conversations have been. Honestly just amending that one portion has affects—it affects other portions of the code as well, so we thought that changing it would be—we would have to change a lot more in 2-258 and 2-259 if we change 2-260 right now. I'm not saying that we're unwilling to do that, it just takes a little more thought of how to marry all of those provisions together so that there's not internal conflict between all of those sections.

Mayor Pro Tem Burroughs said I agree with Commissioner Stites that if a commissioner after the service on the Commission was to apply for a position with the Unified Government, in the hypothetically maybe as a lobbyist or as another level of administration due to the knowledge that they've gained here, I question why we wouldn't want them to sit out for a year. I know in the legislature I think they've even gone as far as two years. That discussion that if you've been in the list, you can't come back and work as a lobbyist or go to work for a private firm and come back in. That stops the interactive relationship building with entities that may do business with the local unit of government. I just have the same concerns that Commissioner Stites raised with that. **Mr. Tomasic** said I can tell you we don't disagree with either of your comments. That's part of our last few meetings have been determining how to make the language—how to change 2-260 and also how to change 2-258 and 2-259 so that they all will say the same thing because if we just made the change in 2-260 of removing the exemption for commissioners, it would come into conflict with 2-258 and 2-259 internally, which we didn't like and we thought we needed more time to make sure that all of them matched up.

Commissioner Kane asked, does that include the Mayor and if you agree with these two, then why would we change it? **Mr. Tomasic** said why wouldn't we change it? **Commissioner Kane** said why would you change it. We need to be included. **Mr. Tomasic** said let me go back to the definition page. The employment restrictions indicates that a Unified Government representative shall not be employed by the UG and then within the one year and then the definition includes Unified Government representative means elected officials, Unified Government officials, and employees. It would include the Mayor as an elected official. The Sheriff would not because it's a state just as the District Attorney is also state elected, so they're not subject to the Ethics Code and also the Register of Deeds.

Commissioner Stites said I guess I'll ask it, so it's ultimately up to us. We vote on this if we like it or do not like it or we say that we want that change to be inclusive of commissioners and Mayor, do we get—I mean are we able to—**Angela Lawson, Interim Chief Counsel**, said that's correct. **Commissioner Stites** said I think it's only right. I don't think we should be any different than any other employee in the Unified Government. I think the commissioners, the Mayor should be held to the same exact set of rules. That's what I think for a period of time. I understand that you are

saying it opens up another can of worms down the—but I mean that’s just how I feel. I just think I shouldn’t be any different than any other employee, that’s just me.

Rickey Bragg, Ethics Commission, said we agree with you as said. One of the things that the commission is doing, we’re always looking at the code. What you have before you are the changes that we’ve recommended to this point. Next month we’re going to get back to it and that’s one of the issues that we’re going to tackle starting next month, so you will be getting another copy of this code in another meeting where we’re talking about an issue like this or this issue itself probably within the year. I can’t promise that because my term is coming to an end, but probably within the year tackling this issue because it is something that we’ve talked about and recognized that we need to change it. The problem was when we caught it we had already submitted the changes and we didn’t want to change what we had already submitted, so we said we need to go back and tackle that, but let’s deal with what we’ve already submitted so far and then we’ll bring this back the next round. **Commissioner Stites** said thank you for the explanation.

Mr. Tomasic asked, do you have more questions about that specific section. We talked about 260.

Proposed Amendments to the UG Code of Ethics

21

Section-261. Solicitation or acceptance of gifts.

Deletes a typographical error.

Mr. Tomasic said 261, there’s nothing there.

Proposed Amendments to the UG Code of Ethics

22

Section 2-262. Gratuities and kickbacks.

Deletes a typographical error.

Section 2-262 is just typographical.

Proposed Amendments to the UG Code of Ethics

23

Sec. 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 contract. 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 or invitation therefore.

Section 2-263 is unchanged.

Proposed Amendments to the UG Code of Ethics

24

Sec. 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 position and which is not available to the public.

Section 2-264, Confidential Information is unchanged.

Proposed Amendments to the UG Code of Ethics

25

Sec. 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.

Section 2-265, there's just a typographical error and then as I mentioned before, it cross-references the new definition of usual and customary to explain that.

Proposed Amendments to the UG Code of Ethics

26

Sec. 266--Nepotism.

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

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

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

Proposed Amendments to the UG Code of Ethics

28

Sec. 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 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 greater than other UG residents.

Section 2-266, Nepotism, is really the biggest change from the original version to the new version. Again, we believe the change was necessary just to sort of recognize the unique scenario that we

are in Wyandotte County, Kansas City, Kansas and then also to bring it up to the times. The new section of nepotism, Section A is the hiring prohibitions. Here it says that a UG representative cannot appoint, hire or influence someone who is appointing or hiring that Unified Government's family or household member. There is a caveat where we could recognize that we need a very specific position filled and for whatever reason there's only three people that are applying and one of them happens to be a family member of someone else. In that scenario, if it's necessary, the Ethics Commission with pre-approval could write an advisory opinion explaining why that may or may not be okay. So, if whoever is making this hiring feels like we really want to hire this one person, but it looks like it would violate the Ethics Code of Nepotism, but we think this is the best for the job, they could write a request to the Ethics Commission and then the Ethics Administrator and the Ethics Commission would provide an advisory opinion about why that should or should not be allowed.

Section B talks about supervision and advocacy, it's the same thing. A UG representative cannot supervise any family or household member unless you get a written opinion from the Ethics Commission because in some scenarios that might be necessary if a department is very small or just depending on how it might be in Wyandotte County. It's a small area, so there might be a situation where you run into that and we wanted to acknowledge that and say it's not allowed, that's the rule, but you can petition and make a request of the Ethics Commission to review to see whether there should be an admission in this one scenario.

Commissioner Lopez said does that mean department directors too? Like if one department director says you know I've got this but it happens to be a family member that should be a department director of another department. **Mr. Tomasic** said in that scenario that would not be allowed because you should not be able to talk—you should not be able to go down your chain of command or even across to try and influence someone else hiring your family member or your household member. **Commissioner Lopez** said very interesting.

Commissioner Bynum said the bottom sentence there, Ethics Commission also proposed to delete the grandfather clause for those already employed before the provision was adopted. What are you telling us there? **Mr. Tomasic** said that portion is deleted because it's no longer necessary. In the current code it says that you cannot be employed if you have a family member or a spouse

that also works for the UG. Our provision is saying you just can't hire someone who is a family member or spouse or you can't supervise someone who is a family member or spouse, so it does leave open the opportunity for spouses to work in the UG or siblings or family members to work in the UG, you just can't hire your family or your spouse or you can't supervise your family or spouse. So, the grandfather position is no longer necessary because we're not saying that you shouldn't be allowed to have family members who work for the UG.

Mayor Pro Tem Burroughs said if I may, that verbiage may be is what—because I have down here also give us an example of what you're referring to because I think of grandfather something that's already happened and we're wanting to ensure that we don't impact that with the new ethics policy and if two employees end up getting married while they're working at the UG, this new policy doesn't affect them except for the direct supervision aspect. It doesn't impact them getting terminated, one of them having to leave the Unified Government because of either a personnel issue or the fact that they're grandfather, that happened before the policy went into place. That's how I interpret grandfather. That whatever's happened up to this point is still, I don't want to say okay, it's just recognized that from this point forward this is the new policy. I would hope that I'm saying that right. **Mr. Tomasic** said I don't want to just repeat myself obviously because the way I said it before wasn't clear enough. The reason why we took that out was because you will not be subject to being fired under the new provisions if you're related or a spouse or just because of that relationship.

Commissioner Bynum said you know I was looking through the whole code in our agenda packet for 7:00, but it's hard for me to get back to that now and I guess I would want to—where I got hung up was the words here delete the grandfather clause because I thought to me that means we're taking that protection away, but that's not what you're saying. **Mr. Tomasic** said it deletes the entirety of the old section, so it does delete the grandfather clause, but also deletes everything else. It also deletes the portion that says no one shall be employed by the Unified Government if that persons spouse, child, sibling or parent is the Mayor, Chief Executive Officer, a commissioner or an employee of the signed office. So, it also takes away all of that that says you will be fired if—or you cannot be employed here if your relative is in one of these positions. It takes away the portion, it takes away everything and reinserts an entire new definition of what nepotism is which only

prohibits hiring and supervision of your affected relative or household member. It is true it takes away the grandfather clause, but it also takes away what the grandfather clause was protecting. **Commissioner Bynum** said okay, just as long as there's clarity in what's newly adopted about what can and cannot happen. **Mr. Tomasic** said I think it's pretty clear. There's only three sections of it and it sets it out pretty well.

The last section of the nepotism is participation in budgets. That's Section C for specific line items and it essentially says you cannot participate in discussion of specific line items if you've got a family or household member that would be directly impacted by that specific line item. You would have to not discuss it and also not vote on it, but then you are allowed to vote on the entire budget as a whole in general as long as whatever you're voting on wouldn't affect your family or household member any more than it would affect anybody else in the UG. So understanding that there might be some scenarios or some things in the budget as a whole that would affect your family, but as long as you're not voting on something that would affect them more than any other similar situated citizen you can participate in that general budget discussion and vote.

Commissioner Stites said so if somebody hypothetically had a son on the Police Department, you would be able to vote on the budget because it's not affecting just that single individual employee. It's affecting the whole Police Department like a raise or a race. **Mr. Tomasic** said correct.

Commissioner Kane said then I can vote for the Fire Department because years ago I was blocked because my son is a fireman and it was said I couldn't vote. By God my son's a fireman, he's one person and I'm voting the next time. **Mr. Tomasic** said the section on this is you could not vote on a specific line item—**Commissioner Kane** said it's not a specific line item. I was stripped from any vote of any kind for the Fire Department regardless of what it was. So, Mr. Administrator, I'm telling you right now the next time that comes around whatever it is I'm voting. Thanks for bringing that up.

Mr. Tomasic said moving on from that section unless somebody has a specific question, I'm happy to go back to it.

Proposed Amendments to the UG Code of Ethics

29

Sec. 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 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 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

30

Sec. 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 election campaign materials.

Section 2-267 about prohibited political activities, again, this is just coming more in the times. It adds a section about what you can and cannot do with social media while on the job as it relates to promoting a specific candidate or issue in an election. It also mentions in Section c2a it was sort of the current—the new version that we have proposed is if you're a UG representative and you're running for Mayor or Commissioner, in the new version you would not have to resign from your job in order to do so. The only clarification would be that you would have to resign if you are successful and before you're sworn into office or there's an automatic provision that's written in there that if you do not resign for whatever reason, the Administrator can terminate your previous employment so that you can be sworn in to your new office.

There's a clarification that allows for incumbents obviously to use their title and other marks in their campaign material. That wasn't clear before, but now it's clarified in there that you are allowed to do that.

Mayor Pro Tem Burroughs said if I may, was there consideration given—I want to go back to where you stated the previous language prevented such person from filing for office unless they resigned. Now you're changing it that they don't have to resign unless they're elected. **Mr. Tomasic** said correct. **Mayor Pro Tem Burroughs** said if that's the case they don't have to resign, that could create a hostile work environment if an employee was continuing to threat a commissioner by stating I'm going to run against you, I'm tired of your actions, and it can actually lead to a hostile work environment, which could then put us in a legal liability by creating such a policy. Was there a reason why that was changed to go a different direction? **Mr. Tomasic** said from my perspective the reason it was changed is because there are so many people that work for the Unified Government as a whole that would be qualified to potentially run for commissioner, run for Mayor/CEO because of their involvement in the UG as it is that we didn't want to disqualify certain qualified candidates from being able to do that and having to quit from the UG where the pool of qualified applicants for the new job might not be to the level of what this person is that's already on the job.

Commissioner Kane said so if we don't like that spot right there, what do we do about it? **Commissioner Bynum** said I just want to tell a little story. **Commissioner Kane** said okay. **Commissioner Bynum** said we had in the '04 Mayoral race we had a candidate who was employed here file for Mayor and she was forced to resign her position here which caused her to lose her time in service and I can't speak specifically to what it did to her KPERS, but it hurt her financially obviously. We had a local lawyer, you all know him, who stepped forward on her behalf to get all of her money—her time in and her financials all reinstated because she had made this frankly unwise decision thinking that she could be elected Mayor. It was detrimental to her in a significantly financial way, so that's why I can see—I totally see where you're coming from, but I can also see why this change would be proposed because of her specific situation that I will never forget.

Commissioner Kane said okay, let's get back to where I was at. I don't like it, so how do we remove it? **Mr. Tomasic** said if you don't like it, you don't vote for it. **Commissioner Kane** said here's the problem with that. A lot of this looks good. There's a portion of it I don't like. I don't know why we couldn't be specific about yanking that out and continue to vote on the rest of it. I mean this is a suggestion, right? **Mr. Tomasic** said it's a suggestion from the Ethics Commission that has put in 11 plus years of doing this. **Commissioner Kane** said okay, well I've only been here coming up on 20 and I don't know how you guys fix it. I won't vote for it unless that comes out. It was there originally. It's put in there now for other reasons that I won't mention right now, but if that's going to stay in there, I won't vote. I mean this is—I don't like it. I'm going to leave it at that, but you guys got to make up your mind because I know you've been working on it, you're working on it hard and you appreciate it. I've been here 20 years and it's been that way and I don't mind it being that way and I don't know why you guys wouldn't—if the commissioners are trying to make a decision here and you guys made that decision and that's fine, we should be able to right what you're saying and I don't know why in the hell you couldn't remove that. I've negotiated I can't tell you how many contracts for the UAW at General Motors and you always put something in there and you always got to remove something to make changes to make it better and this isn't better.

Commissioner Bynum said, Commissioner, can I ask you a question? Are you stating that you want this section to stay as it is with a person resigning their UG position. **Commissioner Kane** was inaudible. **Commissioner Bynum** said okay, I just wanted to make sure.

Ms. Lawson said I think the Commission would have I think two options for this. One is if it's just one section you're wanting to remain the same, the person that made the motion could move to adopt with the exception of the change and then call it out 2-267, Section 3. If there's more changes than that, the Ethics Commission has brought to you their suggestions. If you want changes, then you could direct the Legal Department to make those changes and bring it back. That would be another option.

Mayor Pro Tem Burroughs said the reason why I brought that forward is the creation of a hardship, elections are tough enough anyway. A disgruntled employee or employee that disagrees with their leadership, there's other actions available but should they file for office then every day

as a public individual they could come up at that podium and attack a sitting officeholder which creates a hostile work environment. Even in the workplace the reputation, the liable, the slander that would go on within the workplace in reference to—it's really more about the workplace and the institution than it is about the two individuals that I bring to concern to ensure that we limit our exposure to liability due to a hostile work environment. I believe that this could quite readily and easily create a hostile work environment.

So, to follow Angela's lead if I may Counsel, that if we wanted to accept the recommendations by the Ethics Commission exclusive of Section 267, line item—I don't know which line item it is in the full—is it paragraph 2 sentence, paragraph 2, sentence 2 and 3, it would be three altogether. That's the new language, right? Yeah, 3 is the new language, so we would strike—would we have to strike all three, Counsel, and reinstate the previous language because the language that's marked out is the language that's being eliminated and the new language is put in. **Ms. Lawson** said I think with the motion you could just say that you accept the proposed changes with the exception of that section 3A, that you do not accept those changes. **Mayor Pro Tem Burroughs** said 267, 3A.

Mr. Partridge said I just wanted to kind of—we've had some back and forth and different opinions on this piece and I just wanted to go back to what I said at the beginning is that the commission is set-aside separately as part of the under the Judge, under the District Attorney's Office or not really under the District Attorney, but appointed by the District Attorney and the Judge and myself and that we're set-aside in independence and we talked about the independence at the beginning and that's our strong suit. I would encourage—I appreciate the back and forth and the input, but I would encourage that the Ethics Commission—by putting your thumbprint on the code you lessen the independence. We're not here for a take it or leave it scenario, but I would hope that you just respect their judgment. I would recommend that you don't substitute your judgment for their judgment. I think Ian has a few more pieces.

Mr. Tomasic said 2-267 was really the last of the substantive changes.

Proposed Amendments to the UG Code of Ethics

33

Sec. 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 the provision providing that violations of the Ethics Code are subject to discipline.

The only other substantive change is 2-269 which indicates that violations found by the Ethics Commission are subject to discipline. As it's currently written, it's only violations found by a court, so it just adds in that whatever violations our commission finds could also recommend discipline in the manner that's set out in the rest of the code.

Other than that the rest of the changes are either stylistic or minor. Before I sit down if anyone has any questions, I'm happy to answer, otherwise I appreciate you all taking the time and listening.

Commissioner Kane said don't take my enthusiasm the wrong way. We appreciate the hard work that you folks have done and sometimes this heat, this seat is pretty damn hot.

Mayor Pro Tem Burroughs said and you stated something earlier and just from my personal experience I know that the Ethics Commission—I make those calls. I will call the Ethics Commission either to self-report if I think I've done something or to get guidance to ensure that I'm operating above board. I would just assume that's why you are there. I think it's kind of like audits. Audits are not necessarily a bad thing to guide you. It's my experience over my 30 years of experience, I talk with the Ethics Commission. I just talked to them yesterday at the state just to ensure that my understanding of what they send out in materials is my interpretation is correct and that guidance eliminates a lot of concern and violations if you just reach out to them. You

stated that early on in your presentation and I didn't bring it up, but I would encourage you all if you have questions to reach out to the Ethics Commission. They're not there to be punitive, they can be, they are there to guide.

Commissioner Hill said I have a question. In Section 2-269 the very last three words is subject to discipline. Could you give me some examples of discipline? Say if one of the commissioners was found guilty with one of the ethics rules, then how would that discipline—what would it look like? **Mr. Tomasic** said that would be laid out in 2-255, which one of the options would be a public censure. Of course, there would be as it's listed or as our proposal it would be on the UG Ethics website for a minimum of 90 days. It also potentially would last for the entire—if the person's elected or there's another position, could last for the duration of their term. Another form of discipline could be a recommendation of removal from office or from whatever their position would be. Another option for discipline could be an involuntary leave with or without pay and then one of the last options could—well, there's two more options. One could be a verbal warning, written warning, or demotion and the last one if the factual allegation support that there is a potential for a crime has been committed, we would refer it to the District Attorney. So those are the four or five ways that discipline could be enforced if there's a violation of that. **Commissioner Hill** said okay.

Commissioner Lopez said okay, let's just say as a commissioner, but I have equipment and I know how to run equipment and trucks, big trucks too. Let's just say that we had another big snowstorm and I just went and jumped in a truck, a snowplow and just started plowing, is that a violation of something? **Mr. Tomasic** said if you're not receiving funds for it, then no, but it could be a violation if you're accepting funds depending on the situation. **Commissioner Lopez** said no, I would just be on my normal payroll because I am a commissioner. I'm talking about like a Public Works truck with a plow on it. I just went to Public Works and jumped in their truck and started plowing to help. **Mr. Tomasic** said it might be a crime. **Commissioner Lopez** said how would that be a crime. I'm an employee though, right? **Mr. Tomasic** said right, but just as I couldn't come up here and sit and pretend to be one of you. I don't believe that you would have authorization to work in the District Attorney's Office. **Commissioner Lopez** said well that's a state office. **Mr. Tomasic** said it's a great hypothetical. **Commissioner Lopez** said I told him I

would. I was like if you need help and your boys are tired, I'll just go jump in the truck. **Mr. Tomasic** said it could be a violation of prestige of office depending on the things that you said in order before jumping in the truck or why you thought you could jump in the truck in the first place. **Commissioner Lopez** said I'm just trying to help the boys that are tired that's all. **Commissioner Stites** said I think I'll go jump in a police car tomorrow night and just drive around. I mean I've done it before and you know what, there's things that you've got to be a qualified driver to be in those, you're covered on the insurance to drive UG equipment. I mean there's a whole litany of things that would preclude you from being able to do that.

Commissioner Bynum said I realized that I had a couple of questions I was thinking about earlier before we came down here. In the packet there's the whole big list of definitions and it talks about usual and customary and whatnot, but it's not in this presentation. Two thoughts and one of them is we get asked often to provide letters of support for nonprofits that are submitting grant applications to foundations and I was a little bit confused by what I was reading in the large packet as to whether that was an okay thing or not okay. Secondly, some nonprofits that own real estate make application through our Appraiser's Office for property tax exemption on those parcels and they are required in the application to include a letter from an elected official that states that they are helping the community by being the nonprofit that they are. I'm guessing that's probably by state law and so I'm curious about those two things. **Mr. Tomasic** said without all of the information it's hard for me to give an advisory opinion I guess just on the fly, but under the 2-265 prestige of office one of the things says that you shall not do is do something, use your prestige of office in order to—for your own private gain or of another person. So, if it's a nonprofit that leaves it open to consideration, which is again as Commissioner Burroughs mentioned, a request for an advisory opinion with the specific facts would be welcomed in that scenario. **Commissioner Bynum** said sure and I've done that in the past. I just wondered. I can do that over and over and over again and I can and I have, but then like I said, secondarily the actual property tax exemption application requires a letter from one of us to go in the packet, so that seems to be at odds a little bit with that. So just wanted to point that out.

Commissioner Burns said I am asked on occasions and I answer I think I am. People will ask are the commissioners UG employees. **Mr. Tomasic** said you are Unified Government

representatives. **Commissioner Burns** said I didn't ask you that. So, your answer is yes. **Mr. Tomasic** said I mean our code doesn't specifically talk about that. We do have—that's why there are multiple definitions of what Unified Government employee is versus what Unified Government official is versus Unified Government representative because they mean different things in different scenarios. There's a definition for Unified Government employee and for the code purposes it says any person employed by the UG, but does not include independent contractors. So, if you're employed by the UG, then you would be an employee, but that's specifically for the code and not for other HR related purposes. I don't know if that answers your questions, but that's the best that I have. **Commissioner Burns** said I'll ask another attorney. **Mr. Tomasic** said that's probably best.

Ms. Lawson said I did want to bring to the Commission's attention that there is a second reference in the section we've discussed previously regarding employees who run for office, so if the Commission is not going to approve that section, they also need to reference D3 of that same section because it talks about termination for someone who runs for office. So, then it would need to be setback to the filing for candidacy instead of the swearing in and so that is another change.

Mayor Pro Tem Burroughs said if I may, if we were just to make a motion to strike the new language in 3A, that leaves the old language in place. **Ms. Lawson** said I would move to not accept the changes to those because you would—because also the format strikes some of the old language so it would not be just so—you would have to either move to reinstate previous language and not accept the new language or just not accept any of the changes.

Commissioner Kane said could you put that down in writing so I can make that part of my case at 7:00? **Ms. Lawson** said yes. **Commissioner Kane** said that would be great. Thank you.

Commissioner Davis said just given how important this is it might be best, and this is just an idea, for us to express our concerns or the things that we would like the Ethics Commission to look at again and then have them do a more thorough review and edit as opposed to trying to figure this out by 7:00 or by the time we get to it on the full commission agenda. My reading of this is if one part changes, it may have influence or different meanings for different areas of what is proposed and we may not be able to ascertain all of the changes—or the impact of all of the changes that we

want to make and how it impacts the entirety of what is being proposed and that's kind of what I hear. My thinking, this is just me, is instead of trying to figure out motions and sections and all that stuff, to maybe just have the Ethics Commission come back to us after we have given them some considerations. That's just me.

Ms. Lawson said, Commissioner, I think you might want to direct Legal to do that. I think the Ethics Commission has provided you what they believe the changes should be. It is the Commission's discretion whether or not to accept those, but you may want to direct Legal to do that because I believe they've brought you what they believe to be the changes and they're not under a duty to go back and make any changes to what they brought forth.

Commissioner Davis said understood. I don't know, again, what my colleagues are feeling or what the appetite is, but just to do this well given the importance of this, it just might be better to have all of these edits and changes go to the Legal Department, have the Legal Department make sure that everything makes sense and then bring it back at another time so that we can put it up for a vote. But again that's just my read of the situation.

Commissioner Stites said regarding that section that we're talking about, do you know right off the top of your head, and if you don't, you don't, does that have other implications within the code that would need to be looked at? Does this change if we were to change it, does it affect anywhere else in the charter? **Mr. Tomasic** said just in a quick review only Section D3 I think. **Commissioner Stites** said and that's the section that Counsel has pointed out already and so in that case what I would say, and this is my opinion, just like Commissioner Davis has his opinion, you guys have been here already. This is your second time now, not that we don't like seeing you all's beautiful faces, but I would like to get it resolved and done tonight so that we can get move on it and let you guys know that it's put to bed.

Mr. Tomasic said that's all I've got. I think just off hand I don't believe there's any other section that is specifically affected by—if you were to make those changes on 2-267 c3a and D3. I don't recall that there's a—I don't think there's any other section that would apply. I can't do with 100% certainty. **Commissioner Stites** said I hope it wasn't inappropriate to say you guys had beautiful faces, sorry.

Mayor Pro Tem Burroughs said at the very least we could adopt a motion and if there is something moving forward later, it can be brought back to us for the piece that might have got caught inadvertently, but as you stated the D3 I believe is what has been requested to be struck. If we were to make a motion to accept the presentation this evening minus D3 and this was to pass move forward after this discussion, then while you're going back to look at the other part that we talked about earlier tonight and bring forward later—**Ms. Lawson** said yes and it would be B3 and D3 in that section. **Commissioner Kane** said and you're getting that ready for 7:00, right? **Ms. Lawson** said C3. **Mr. Tomasic** said 2-267 C3 and D3, c3a and D3.

Mayor Pro Tem Burroughs said is that the end of the presentation? **Mr. Tomasic** said yes. **Mayor Pro Tem Burroughs** said are there any other questions? On behalf of the committee I would just again thank you for your work keeping us transparent and guiding this Commission in a manner that's respectful and transparent and to borrow the title of this discussion ethical. We appreciate the time and guidance you've given us. We will look forward to having a, I hope it's not a robust discussion at 7:00, but hopefully we've had the answers that we have. Could you give us a phone number that we could call. Is it a public number that we could call without having to go out and try to find it. Is there a number that we could call, if the public could call, if there's questions? **Mr. Partridge** said we have the Ethics hotline number and then we have my number. **Mayor Pro Tem Burroughs** said the hotline and that would be the one for generic questions if we had questions of the Ethics Commission. As commissioners, that's the number we would call and get guidance. **Mr. Partridge** said the hotline is 913-621-3294 and, again, that's available on the website. Everything you need to know is on the website and then my number is 913-573-8043.

Mayor Pro Tem Burroughs said any other questions, any other comments. I will entertain a motion to adjourn.

Action: **Commissioner Kane made a motion, seconded by Commissioner Lopez, to adjourn.** Roll call was taken and there were nine "Ayes," Kane, Lopez, Stites, Davis, Bynum, Burroughs, Townsend, Burns, Hill.

**MAYOR PRO TEM BURROUGHS ADJOURNED
THE MEETING AT 6:36 p.m.**

Monica L. Sparks
Unified Government Clerk

dt

March 6, 2025