Code of Ethics for City of Wichita Officials

Mayor and City Council

January 26, 2021
Background

June 10, 2020 City Council conducted an Ethics Policy Retreat
Described ethical behavior and identified aspirations/components for a new Code of Ethics and
Aspirations included:
• Build confidence that officials are doing the right thing
• Create consistency in policy interpretation
• Establish “Best in Class” guidelines
• Identify guiding principles for conduct
• Value continuous training in ethics
Background

Components included:

• Gifts
• Meals
• Undue influence in hiring and contracting
• Conflicts of interest
• Disclosure
• Enforcement
Proposed Code of Ethics

Structure of Code
• Purpose
• Definitions
• Statement of Policy
• Exceptions to the Gift Provision
• Ethics Advisory Board
• Ethics Education
• Whistleblower Protection
Purpose

Government service and public sector employment is a public trust, and those who serve the public as part of its government must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens.

Because government can act only through its officials and employees, it is ever incumbent upon them, therefore, to honor the public trust and to instill confidence in government by their own integrity and conduct in all official actions.
Key Definitions

Official: The Mayor, City Council Members, and Advisory Board Members of the City of Wichita.

Conflict of Interest: A situation in which an official has a substantial interest in an activity which would preclude them from acting in an ethical manner in the execution of their official City duties.

Donor: An individual, business or organization that gives or presents an official with something of value.

Friend: An individual that has a close connection with an official formed by frequent social interaction.
Key Definitions

Gift: A tangible or intangible good or service given from a person or group of persons to an official, when those who are conferring the gift have an interest in the City or an interest that may be affected by the performance or non-performance of that official.

Relatives: Spouse, domestic partner, child, mother, father, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparent, grandchild, and any other relative living in the same household.

Cyberbullying: Any intentional electronic act that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive environment for an official. This definition applies to e-mails, instant messaging, text messages, blogs, websites and all forms of social media.
Statement of Policy

Be dedicated to the ideals of honor and integrity in all public and personal relationships.

Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which officials, their family, friends, or business entity have an interest. If, for any reason, involvement cannot be avoided, the official must make a full disclosure of association.

Refrain from assisting and representing the private interests of another before any commission or board, and refrain from unduly influencing City staff on projects benefitting private parties.
Statement of Policy

Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, hospitality, favors or anything of value for the official, or their family, valued over ONE HUNDRED FIFTY DOLLARS ($150.00) from a specific donor within a 12-month period, which is intended or has the appearance or effect of influencing the performance of the official duties of an official. Further, a public official shall report any offer or presentation of a gift or gratuity valued at fifty dollars ($50.00) or more on a yearly basis. This yearly report shall be filed with the Ethics Advisory Board Chair.
Statement of Policy

Refrain from patronage and do not interfere with the hiring process in order to maintain the integrity of that process.

Remain impartial in the consideration of the City’s business, including the approval of public policies and awarding of contracts. Do not be unduly influenced by family relationships, business interests, religious affiliation, or friendships in the formulation or adoption of rules, regulations, ordinances, resolutions, or other policy matters.

Refrain from cyberbullying in any form either by an official or his/her agent towards another official. Electronic communications about other officials should be based in fact and not include altered text, pictures or videos.
Exceptions to the Gift Provision

Mayor and Council Members may attend events hosted by not-for-profit organizations, educational institutions, or services, political or policy-based organizations, community development, or faith-based organization events in which their presence is requested. When requesting the presence of an official, such organizations may compensate the member for food and admission to the event. Further, members may have food compensated when their presence is requested to attend a meeting or event.

Any gift not authorized by the Code must be returned to the donor or transmitted to the City Treasurer or turned over to the City to be used by the City or to be sold, with the proceeds of such sale deposited into the general fund of the City.
The Ethics Advisory Board (EAB) shall be composed of seven members, one of whom shall be an at-large member nominated by the mayor and vetted and confirmed by the City Council and shall serve as the EAB chairperson. The board shall be advised by outside legal counsel.

If a valid ethics complaint is filed, the other six members shall be selected at random from the following boards and commissions.

- Diversity, Inclusion, and Civil Rights Committee
- Library Board
- Metropolitan Area Planning Commission
- Board of Park Commissioners
- Wichita Airport Advisory Board
All members of the EAB shall be residents of the City who are at least 18 years of age. Additionally, no member may be:

- A member of the City Council, or the spouse or domestic partner of a member of the City Council
- An employee of the City of Wichita or the spouse or domestic partner of an employee of the City of Wichita
- An elected public official
- A candidate for elected public office
Ethics Advisory Board

It shall be the duty and function of the Ethics Advisory Board Chair to issue interpretations and guidelines for the Code of Ethics and to prepare advisory opinions. The EAB Chair may use outside legal counsel in the preparation of these interpretations, guidelines, and opinions. It shall be the duty of the full Ethics Advisory Board, advised by outside counsel, to conduct investigative reviews upon complaints of violations of the Code of Ethics and issue rulings.
Any allegation of a Code of Ethics violation by any appointed member or any elected City official must be made in writing and filed with the Ethics Advisory Board Chair.

The EAB Chair and outside legal counsel to the board shall review the complaint and take no further action on any complaint which the EAB Chair and outside counsel determine to be frivolous or groundless on its face.

The person against whom the complaint is made shall have seven (7) days from the receipt of the complaint in which to file a written response to the complaint with the EAB Chair and outside counsel. The complaint and written response will be delivered to the EAB for investigation.
At the conclusion of the investigation, the EAB shall present a written report to the City Council. The report shall consist of the following items:

- Summary of complaint
- Scope of investigation
- Summary of facts
- Applicable section(s) of the Code of Ethics involved
- The findings of the EAB.
When a complaint is ruled a violation, the Ethics Advisory Board may levy fines no less than $100 and no more than $1,000 for each item in the complaint against an elected official that the board determines is a violation of the Code of Ethics. In addition to or as an alternative to levying a fine, the EAB may require training or issue a public censure.

If a complaint against an appointed official is ruled a violation, that appointed official may be removed from their position without the imposition of a fine. As an alternative, the EAB may require training for the appointed official.
Ethics Education

The EAB Chair shall provide a complete copy of the Code of Ethics prior to a newly-elected Council Member taking office or, in the case of Advisory Board members, within 30 days of the member’s appointment.

The EAB Chair will ensure that periodic training on the Code of Ethics is administered to City officials.

The EAB Chair and outside legal counsel will serve as the resource for ethical inquiries.
Whistleblower Protection

A current or former official or employee who discloses information that he or she reasonably believes evidences:

- A violation of any law, rule, or regulation; or
- Mismanagement, a gross waste of funds, or an abuse of authority; or
- A substantial or specific danger to public health or safety.

No official or employee who in good faith reports a violation shall suffer harassment, retaliation, or adverse consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.
Discussion