

CITY COUNCIL POLICY NO: 39

CODE OF ETHICS FOR CITY OF WICHITA OFFICIALS

PURPOSE

To set forth the general public policy objectives of the City as it relates to establishing a Code of Ethics for elected and appointed officials of the City of Wichita, Kansas; and further providing procedures for investigating alleged violations of the Code of Ethics.

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.

Representative government is based upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for the governed as a whole. 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.

The Code of Ethics is rooted in the City's Trust Values, which include:

Respect – Demonstrating courtesy and regard for all;

Ethics – Being above reproach in our actions;

Stewardship – Being a guardian of the resources provided by those we serve;

Integrity – Honoring our commitments and making our word our bond;

Engagement – Having authentic conversations and ensuring all voices are heard.

This document should be interpreted in conjunction with the City's Code of Conduct, Campaign Finance Policy and Social Media Policy, which will be formally adopted later. All four documents will be reviewed annually, no later than May 1.

DEFINITIONS

Active Member of a Political Party: An individual who is an active member of a political caucus, political auxiliary group or political party's committee.

Advisory Boards: Any board or commission created by the authority of the City and whose members are appointed by the Mayor, City Council, or the City Manager.

Advisory Board Members: Any members appointed by the Mayor, Council Member, or City Manager to serve on a board or commission created by the authority of the City.

Business Entity: Any corporation, partnership, proprietorship, trust or joint venture in which either the official or his/her spouse has a legal or equitable interest exceeding \$5,000 or 5%, whichever is less.

City: The municipal government of the City of Wichita.

Code: This document, the Code of Ethics policy statement.

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.

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.

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

Patronage: An official's act of breaching their official authority to unduly influence the appointment of a person to a City office.

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 family member living in the same household.

STATEMENT OF POLICY

Officials of the City of Wichita, Kansas shall:

- A. Be dedicated to the ideals of honor and integrity in all public and personal relationships.
- B. Conduct themselves so as to maintain public confidence in the performance of their job duties.
- C. Make it their duty to improve operations and productivity and use time wisely so that all citizens know that full value is being received for each tax dollar spent.
- D. Seek no favors, nor use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth.
- E. Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City and only for appropriate City business.
- F. Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which officials, their family, or business entity have an interest. If, for any reason, involvement cannot be avoided, the official must make a full disclosure of association.
- G. Address constituents' concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.
- H. Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government.
- I. 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.

- J. 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 over a one-year period ending on December 31, 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. A yearly report shall be filed with the City Clerk, even if no gifts were received during the year. Failure to file such report will be reported to the Ethics Advisory Board.
- K. Refrain from making any promise, private in nature, the performance of which would require an official to act beyond the proper scope of the duties of office, or to act in a manner which would or could compromise the integrity of public office.
- L. Never use any information coming to an official confidentially in the performance of governmental duties as a means for making a private profit or gaining benefit for the official or their family.
- M. Never use City equipment or resources for activities outside of official duties.
- N. Prohibit the hiring of officials' relatives for full-time or part-time employment in any department in which the official has a direct policy-making or advisory role.
- O. Refrain from patronage and do not interfere with the hiring process in order to maintain the integrity of that process. Officials should refrain from expressing an improper interest in the hiring process.
- P. Remain impartial in their consideration of the City's business, including the approval of public policies and awarding of contracts. They should not be unduly influence by family relationships, business interests or religious affiliation in the formulation or adoption of rules, regulations, ordinances, resolutions, or other policy matters.

EXCEPTIONS TO THE GIFT PROVISION

Exceptions to Sub-Section J include an honor or award presented by an appropriate governmental, professional, or fraternal organization, for the performance of duties. The value of the honor or award shall not exceed one hundred fifty dollars.

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 this subsection 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 City Treasurer for the City shall be

notified within seven (7) days of the receipt of any non-monetary property not authorized by this subsection.

ETHICS ADVISORY BOARD

There is hereby created an Ethics Advisory Board.

Purpose: The Ethics Advisory Board shall enforce the City's Ethics Policy.

Qualifications: In addition to the requirements of Section 2.12 of the Code of the City of Wichita, such members:

1. May not be a member of the City Council, or the spouse or domestic partner of a member of the City Council;
2. May not be an employee of the City of Wichita or the spouse or domestic partner of an employee of the City of Wichita;
3. May not hold public office, or be a candidate for any public office;
4. May not be an elected or appointed member of any local, state, or national committee of any political party, nor an active member of a political party or active member of any partisan or nonpartisan political club or organization;
5. May not have been convicted of a felony or crime of moral turpitude.
6. Must have good moral standing and reputation
7. Have no conflict of interest, including but not limited to:
 - owning business entities under or negotiating a contract with, selling goods or services to or receiving economic development incentives from the City of Wichita
8. Be representative of the demographics of the City of Wichita

Membership: The Ethics Advisory Board shall have seven members. Each Council Member and the Mayor shall have one appointment, which requires approval by a majority of the Council.

Term: Terms shall be two years in length.

The EAB has no delegated powers other than those outlined above.

SELECTION OF ETHICS OFFICER

There is hereby created the office of Ethics Officer.

Duties: Serve as the City's Ethics Officer, serving as Chair of the Ethics Advisory Board, providing proactive and remedial education to officials when he or she deems appropriate, providing responses to ethical inquiries made by the Mayor, Council, Advisory Board Members, and the public on matters that are not the subject of a pending complaint, conducting investigations into ethics complaints under this ordinance and voting only in the event of a tie among the board members.

Qualifications: Background in academia, law or other profession that is focused on public service or ethics.

Term: The term for this appointment is two years, with the option for reappointment for additional two-year terms.

Selection: The seven-member board will interview and select no less than one, but no more than three names for the Council to consider for the appointment of Ethics Officer. The Council will then interview, or otherwise vet the candidates and select the Ethics Officer by rank choice voting process at the next regularly-scheduled meeting following the completion of the vetting process. If the City Council determines that none of the candidates are appropriately qualified, the Ethics Advisory Board will be asked to select new candidates for consideration.

ETHICS ADVISORY BOARD PROCEDURES

In order to be considered by the Ethics Advisory Board, any allegation of a Code of Ethics violation against any appointed member or any elected City official must be made in writing, signed by the complainant under oath (notarized), and filed with the City Clerk. An electronic submission will be considered to be “in writing.” The City Clerk shall stamp the date upon which said complaint was received by their office on the face of this document. The Ethics Officer and outside legal counsel to the board shall review the complaint and take no further action on any complaint which the Ethics Officer and outside counsel determine to be frivolous or groundless on its face, or which fails to state a violation.

In all other cases, the Ethics Officer shall deliver a copy of the complaint to the person against whom the complaint is made, and at the same time provide copies of the complaint to the City Manager and all members of the City Council. 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 Ethics Officer 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:

1. Summary of complaint
2. Scope of investigation
3. Summary of facts
4. Applicable section(s) of the Code of Ethics involved
5. The findings of the EAB.

This report will be provided to the complainant, the named official, the outside counsel to the board, the City Attorney, and the City Council. Within seven (7) days of the distribution of this report, any party may request additional review by the EAB if there is a dispute on the facts of the complaint or interpretation of the Code of Ethics. At the conclusion of that seven (7) day period, if no further review is requested, the findings become final. Any evidence collected during the investigation will be retained for the length of the official’s term.

When a complaint is ruled a violation, the Ethics Advisory Board will require the official to undergo appropriate ethics training. In the case of serious violations of the Code of Ethics, the Ethics Advisory Board may also issue a public censure and/or 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. Officials must use personal funds to pay for all fines and cannot use money allocated in the City of Wichita budget. Additionally, the levied fine may not be paid by another party. Failure to pay these fines within 60 days will result in public censure. Any fine revenue received will be designated for ethics education.

If a complaint against an appointed official is ruled a violation, the EAB will require training for the appointed official. In the case of serious violations, the EAB may recommend to the City Council that the official be removed from their position without the imposition of a fine.

ETHICS EDUCATION

The Ethics Officer 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. Ethics training for these City officials will be included in their orientation process.

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

The Ethics Officer and outside legal counsel will serve as the resource for ethical inquiries made by the Mayor, Council and general public. Opinions made by the Ethics Officer or outside counsel may be appealed to the full Ethics Advisory Board, which will be convened for such purpose. The ruling of the Ethics Advisory Board will be final.

WHISTLEBLOWER PROTECTION

The City will not tolerate intimidation, coercion, or discrimination of any kind against officials, employees, or other individuals who voice opposition to unlawful action.

1. Whistleblower defined herein is a current or former official or employee who discloses information to appropriate officials he or she reasonably believes evidences:
 - a. A violation of any law, rule, or regulation; or
 - b. Mismanagement, a gross waste of funds, or an abuse of authority; or
 - c. A substantial or specific danger to public health or safety.
2. 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. An official who retaliates against someone who has reported a violation in good faith is subject to investigation by the Ethics Advisory Board.
3. Anyone filing a complaint concerning a violation or suspected violation should act in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations made by an employee or official that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious offense and will be handled accordingly.
4. No action will be taken or not taken with respect to any employee or official as a reprisal for being a whistleblower.

SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.