

CITY OF OLATHE		Policy No.:	A-3
COUNCIL POLICY STATEMENT		Date Issued:	11-17-98
General Scope:	Administration	Effective Date:	11-17-98
Specific Subject:	Code of Ethics	Cancellation Date:	
		Supersedes No.:	Listed Below

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 and employees of the city of Olathe, Kansas; and further providing procedures for investigating alleged violations of the Code of Ethics.

Statement of Policy:

The statement of policy is hereby incorporated with Section One of Resolution No. 98-1068. The remaining sections of Resolution No. 93-1122 remain in effect. Previous policy regarding the Code of Ethics were incorporated by Resolution No. 86-1066.

RESOLUTION NO. 98-1068

**A RESOLUTION AMENDING SECTION ONE OF RESOLUTION NO. 93-1122
PERTAINING TO THE ESTABLISHMENT OF A CODE OF ETHICS FOR THE
ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY
OF OLATHE, KANSAS.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE,
KANSAS:**

SECTION ONE: Section One of Resolution No. 93-1122 is hereby amended to read as follows:

“SECTION ONE: The Code of Ethics for the City of Olathe shall read as follows:

CODE OF ETHICS

Officials and employees of the City of Olathe 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, 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 he or she or their family has an interest and make a full disclosure of association when involvement cannot be avoided.
- 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, but not exceed their authority or encroach on another’s professional responsibilities.
- I. Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.

- J. Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, his or her family or others, which is intended or has the appearance or affect of influencing the performance of his or her duties; and should never lobby or attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.

City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as long as the City is not also compensating the employee for such time. If the City is paying the employee for the time, then the honorarium will be rejected.

Any gift not authorized by this subsection may 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 nonmonetary property not authorized by this subsection.”

SECTION TWO: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 17th day of November, 1998.

SIGNED by the Mayor this 17th day of November, 1998.

/s/Larry L. Campbell
Mayor

ATTEST:

/s/Debra S. Gragg
City Clerk

(SEAL)

APPROVED AS TO FORM:

/s/Thomas A. Glinstra
Municipal Counsel

RESOLUTION NO. 93-1122

A RESOLUTION ESTABLISHING A CODE OF ETHICS FOR THE ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF OLATHE, KANSAS; FURTHER PROVIDING PROCEDURES FOR INVESTIGATING ALLEGED VIOLATIONS OF THE CODE OF ETHICS.

WHEREAS, the proper operation of democratic government requires that public officials and employees be independent impartial and responsible to the people; and

WHEREAS, public office is not to be used for personal gain; and

WHEREAS, the public must have confidence in the integrity of its government.

NOW, THEREFORE, BE IT RESOLVED BY; THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section One of Resolution No. 93-1122 was repealed by Resolution No. 98-1068.

SECTION TWO: That the Code of Ethics shall be made public and known to all city officials and employees and, from time to time, the code shall be reviewed and updated as needed.

SECTION THREE: That this code shall be applicable to all elected officials, members of boards, commissions, committees, paid employees and volunteers.

SECTION FOUR: That allegations of a violation of the Code of Ethics shall be investigated by the City Manager for employees and volunteers upon receipt of a written and sworn complaint. In all cases the rights to due process of the employee shall be respected. Rules for procedures and sanctions shall be prepared and included in the city's administrative regulations.

SECTION FIVE: That allegations of a violation of the Code of Ethics shall be investigated by the Governing Body for members of the Governing Body, members of boards, commissions, City Manager, City Auditor and municipal judges. In all cases, the rights to due process of the official shall be respected. Ethics complaint procedures shall be as follows:

- A. In order to be considered by the Governing Body, any allegation of a Code of Ethics violation by any appointed member of a city committee, the city municipal judges, the City Manager, the City Auditor or any elected city official must be made in writing, signed by the complainant under oath (notarized), and filed with the City Auditor.
- B. The City Attorney shall stamp the date upon which said complaint was received by his office on the face of this document. The City Attorney shall be under no duty to investigate the complaint personally, but shall review the complaint and take no further action on any documents which the City Attorney determines to be frivolous or groundless on their face, or which fail to state a complaint.

- C. In all other cases, the City Attorney 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 City Attorney.
- D. At the next regularly scheduled City Council meeting after the seven (7) day answer period expired, the City Attorney shall present the complaint and the answer, if any, to the City Council for their consideration. The City Council shall, by majority vote, either: (a) dismiss the complaint; (b) determine that further investigation of the complaint is necessary; or (c) take such action as the City Council determines appropriate.
- E. If the City Council determines that further investigation is necessary, at the next regularly scheduled City Council meeting the City Attorney shall present a list of qualified applicants for the position of Investigator. The Investigator must be an attorney currently licensed to practice law in the state of Kansas, who is currently a resident of Johnson County, Kansas. The City Council shall hire an Investigator and determine the compensation for conducting the investigation.
- F. The Investigator shall arrange a personal interview with the complainant to discuss the complaint and determine any facts and issues involved. Then, the Investigator should conduct a personal interview with the person who is the subject of the complaint. In addition, the Investigator may interview any other individuals the Investigator determines are necessary to the investigation of this complaint, and shall also have access to all city records except employee personnel files or any other confidential records. The investigation, if possible, should be accomplished within four (4) weeks of the time the Investigator is hired by the City Council.
- G. At the conclusion of the investigation, the Investigator 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 (if there is any additional information which Investigator feels would be helpful, but which could not be obtained, this should be listed here);
 - 3. Summary of facts;
 - 4. Applicable section(s) of the Code of Ethics and state the law involved; if any;
 - 5. Recommendations of Investigator (optional).
- H. Thereafter the City Council shall consider the written report of the Investigator and take such further action as the City Council deems appropriate.

SECTION FIVE: That copies of this Resolution shall be provided to all elected officials, members of boards, commissions, committees and employees.

SECTION SIX: That Resolution No. 86-1066 is hereby repealed.

SECTION SEVEN: That this Resolution shall take effect immediately.

APPROVED by the Governing Body this 21st day of September, 1993.

SIGNED by the Mayor this 21st day of September, 1993.

/s/J. Michael Haskin

Mayor

ATTEST:

/s/Debra S. Gragg

City Clerk - Deputy

(Seal)

APPROVED AS TO FORM:

/s/Thomas A. Glinstra

Municipal Counsel