

Chapter 2.22
CODE OF ETHICS

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2.22.010 Adoption of Code of Ethics and Declaration of Policy

There is hereby established a Code of Ethics for all City employees, whether paid in whole or in part by the City, or unpaid. The purpose of this Code is to establish ethical standards of conduct for all City employees by setting forth those acts or actions that are incompatible with the best interests of the City. The provisions and purpose of this Code and such rules and regulations as may be established by the City Manager are hereafter declared to be in the best interests of the City of Overland Park, Kansas.

(History: Ord. COE-1694 §1, 91)

2.22.020 Responsibilities of Public Office

City employees hold employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Kansas and to carry out impartially the laws of the nation and state, as well as the City of Overland Park, Kansas, and thus to foster respect for all government. They are bound to discharge faithfully the duties of their employment, regardless of personal considerations, recognizing that the public interest must be their primary concern.

(History: Ord. COE-1694 §2, 91)

2.22.030 Substantial Interest Defined

- A. "Substantial interest" means any of the following: (a) If an employee or an employee's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the employee has a substantial interest in that business.
- B. If an employee or an employee's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the employee and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the employee has a substantial interest in that business or combination of businesses.

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- C. If an employee or an employee's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the employee has a substantial interest in that business or combination of businesses.
- D. If an employee or an employee's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the employee has a substantial interest in that business, irrespective of the amount of compensation received by the employee or employee's spouse.
- E. If an employee or an employee's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the employee has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the employee or the employee's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(History: Ord. COE-1694 §3, 91)

2.22.040 Participation in City Contracts

- A. No City employee shall, in the capacity of such an employee, make or participate in the making of a contract with any person or business by which the employee is employed or in whose business the employee has a substantial interest;
- B. No person or business shall enter into any contract where any City employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- C. A City employee does not make or participate in the making of a contract if the employee abstains from any action in regard to the contract.
- D. This section shall not apply to the following:
 - 1. Contracts let after competitive bidding has been advertised for by published notice; and
 - 2. Contracts for property or services for which the price or rate is fixed by law.
- E. Any City employee who has a substantial interest in a business submitting a bid for award of a City contract must inform the City in writing as part of the bid submission, that the employee has a substantial interest in the business and the nature of the substantial interest. For purposes of this subparagraph only, the term "substantial interest" shall mean the following: If an employee or an employee's spouse, either individually or collectively, has owned within the preceding twelve months a legal or equitable interest exceeding five percent of any business.

(History: Ord. COE-2370 §1, 2002; COE-1694 §4, 91)

2.22.050 Participation in Other Matters

- A. Any City employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the employee has a substantial interest, file a written report of the nature of the interest with the Johnson County Election Commissioner.
- B. A City employee does not pass or act upon any matter if the employee abstains from any action in regard to the matter.

(History: Ord. COE-1694 §5, 91)

2.22.060 Disclosure of Tax Exempt Corporations

Although a City employee does not have a substantial interest in a not-for-profit organization which is exempt from federal taxation under Section 501(c) (3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code by virtue of holding the position of officer, director, associate, partner or proprietor, the employee must disclose this interest if he/she intends to participate in any matter between the City and the organization. The disclosure must be filed with the Johnson County Election Officer before the employee acts on the matter.

(History: Ord. COE-1694 §6, 91)

2.22.070 Restrictions on Former Employees in Matters Connected with their Former Duties

- A. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:
 - 1. judicial or other proceeding, application, request for a ruling, or other determination;
 - 2. contract;
 - 3. claim; or
 - 4. charge or controversy,in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while employed by the City, and where the City is a party or has a direct and substantial interest.
- B. It shall be a breach of ethical standards for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:
 - 1. Judicial or other proceeding, application, request for a ruling, or other determination;
 - 2. contract;
 - 3. claim; or
 - 4. charge or controversy,which arose during the employment of the former employee and which were within the official responsibility of the former employee; provided that the City is a party or has a direct or substantial interest in the matter.

(History: Ord. COE-1694 §7, 91)

2.22.080 Restriction on Former Employees in Selling to the City

It shall be a breach of ethical standards for any former employee to engage in selling or attempting to sell supplies, services, or construction to the City for one year following the date employment ceased.

The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this Section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this city, nor shall a former employee be precluded from serving as a consultant to this City.

This section shall not apply to the following:

1. If the former employee, before he/she engages in or attempts to sell, makes a full disclosure to the Governing Body of the former employee's date of employment and position with the City, and the Governing Body determines that it is in the best interest of the City to permit the former employee to sell or attempt to sell such supplies, services, or construction.
2. Participation in the competitive bidding process after competitive bidding has been advertised for by published notice or to contracts let after such competitive bidding, provided the former employee must make a full disclosure of the former employee's dates of employment and position with the City. This disclosure shall be in the form of a cover letter attached to the bid documents submitted by the former employee.
3. Contracts for property or services for which the price or rate is fixed by law.

(History: Ord. COE-2596 §1, 2006; COE-1694 §8, 91)

2.22.090 Sanctions

Violations shall be an administration matter. For violations of the provisions of Section 4 of this ordinance, the employee shall be terminated. Violations of any provisions of this ordinance, except Section 4, may constitute a cause for suspension, termination, or other disciplinary action. Violations of any provision of this ordinance may constitute cause to cancel any contract, cease negotiations on any contract and rescind or modify any previous action based upon any such violation.

(History: Ord. COE-1694 §9, 91)

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